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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL

P. Q.

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held at Montreal, Quebec, on Thursady, the 28th day of November, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A. Renwick, Esq.	Member

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset	for the Shipping Federation of Canada
Mr. C. Mason	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.

* * * * *

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French

---ON COMMENCING AT 10:00 a.m.

ANDRE PERUSSE, re-sworn

CONTINUATION OF CROSS-EXAMINATION BY MR. JACQUES:

Q Well now, we were beginning to speak of these matters and you had said that for the pilot that was necessary or essential to have special training on the gyroscopic matters. Would you please enlarge on this, what type of training and what are the difficulties you meet in the use of the gyroscopic compass?

A Well, the gyroscopic compass, for this you need to have adjustments made to compensate for the speed of the ship.

Q Now, in your district in the journey you make, what is the maximum change in latitude you have?

THE INTERPRETER: The witness mentioned latitude, but I didn't interpret that.

A 5 degrees latitude.

Q It would be approximately 5 degrees latitude adjustment that must be done for the speed of the ship. What is this?

A Well, this is done with the adjustment.

Q You yourself, have you received or followed courses on the gyroscopic compass at any time during your seamen's career?

french

A Yes, I did receive such training.

Q Well now, do you know if the special examinations on the gyrocompass are required for the obtaining of any type of qualifying certificate or proficiency certificate?

A Yes, they are obliged to make a study on the gyroscopic compass.

Q Do you believe that the studies which are required for obtaining the certificate are inadequate for the pilot? Could you answer that?

A Could you repeat that, please?

Q Do you believe that what is required for the obtaining of the certificate on a gyroscopic compass is inadequate for a pilot?

A Yes, but there are many cases where it is not gone into too thoroughly.

Q Now, apart from those adjustments, must you have other special types of knowledge apart from the general knowledge for seamen in this?

A There are many other factors which enter into the gyroscopic compass but don't fall within our field.

Q They are not within your field?

A Correct.

Q What about radar, would you tell us if to your knowledge there are courses in radar for proficiency certificates?

A The Proficiency certificates do exist on radar, but I don't think that there are specialized courses on radar at the moment.

Q Do you use radar at the moment?

A Yes, that is in our district.

Q Do you use it frequently in your district?

A Every day in the fall and in the spring.

Q Does radar enable you to move in a way that you couldn't without radar?

A Well, we use radar if there is fog or haze or poor visability to go in an area where we couldn't enter without difficulty, then we have to go on with radar.

Q Now, from your experience, I imagine there are on ships, all types of radar?

A Yes.

Q Have you had special training on radar?

A Yes, Marconi.

Q Marconi, and what type of training?

A It wasn't electronics. It was self-functioning radar and operation.

Q For how long did you receive that training?

A Oh, this was when we went for gyroscopic work, Marconi radar work.

Q For how long?

A For roughly a week in Montreal.

Q In what year? Two years ago, three years ago?

A It would be about four.

Q Four years ago. Were you taught how to figure the precision or the accuracy of the radar?

A What they showed us was what errors you

might have with error and the point in the middle of the radar could be fixed to a certain degree.

Q At that time did there exist what is known as true motion radar?

A No.

Q You have never had the use of that?

A I have seen vessels with it but I never have worked with it.

Q If you wish we will come back to these other matters of helmsmen because they are required especially for your district. Considering the difficulties you had in convincing the helmsman in pushing the wheel hard over, have you in the past brought together the captains, the skippers of the vessel, the third officers on your departure with the view of explaining to them the desirability or necessity of holding the wheel hard over when you requested them to do this, even if this may seem terrifying to them considering they are so near to the land?

A Well, how can you ask them if they don't do it when you give them orders?

Q Wait a minute. I asked you if you had already thought of having such a conference before departure?

A We asked them if they had a competent man at the wheel.

Q And then?

A That is all we asked them, that he be competent.

Q Well, if I understand properly you have

French

not had such a conference on your side?

A No.

Q No. Well now, do you think this could perhaps improve the situation?

A No, I don't think so.

Q Why?

A Because the wheelsman or helmsman as I said before, you have to consider that the captain is on the bridge, and if he only holds the wheel over ten degrees, that is all he will hold it over.

Q This helmsman job, you don't just have the helmsman?

A Well, there is really -- because the first mate may enter into this.

Q Wait a minute. What exactly is the situation? Is there not a telegraph man outside?

A You have one inside and he is dealing with this matter.

Q On a certain vessel these telegraphers are at the helmsman's area?

A Oh, this was a small vessel.

Q You maintain in the majority of cases the telegraph men are outside?

A Yes.

Q And that in consequence of this there is nobody who supervises or overlooks the activities of the helmsman?

A That is right.

Q In the vessels you pilots, is it usual for the third officer to take down the exact hour of the

orders you give to the engine room?

A Yes, the vessels don't take this, but we can note the time and this can be fixed up with the engineer.

Q Have you ever thought of asking the captain of the vessel to give instructions to his third officer to supervise the work of the wheelsman? I asked if you have already thought of this.

A No.

Q Have you ever thought of explaining to the captain of the vessel the vital importance there in obeying orders other regarding these aspects of pilotage?

A Well, yes, but what is the use. We ourselves don't notice.

Q Yes, but wait a minute. I am asking if you have already thought of asking the captain the extreme importance of these matters?

A Yes, we have advised the captains.

Q You have?

A Yes.

Q Is this a regular practice, to advise the captains?

A No. It does often happen that they don't do what they are advised to.

Q This question of disobedience, how do you handle the thing?

A Well, what is the use. If the captain says one thing, and the helmsman holds it over him for 15 degrees.

French

Q Yes, I understand the man at the wheel can do whatever he wishes but when you observe this disobedience, what do you do about it?

A If we say hard over to starboard or to the right and he doesn't hold over to the right or starboard we know something is wrong.

Q Speaking of the last trip that you made would you tell us how many times it happened to you each week or each month that you have a helmsman who doesn't obey your orders?

A Oh, well, this may happen several times, but to say exactly the number of times is difficult.

Q Thinking of the number of trips you have made on all sorts of vessels, would this have been (end of interpretation)?

A The Francis L. Day.

Q What was the nationality of that vessel?

A French.

Q French. Was it a big vessel? What tonnage was it roughly?

A Roughly ten or eleven thousand tons.

Q Was this its first trip on the Lakes?

A It came here several times.

Q She was used to the Lakes?

A Yes.

Q During your trip did you have any complaints that you could have made to the helmsmen?

A No, because this was a vessel which naturally needed no helmsman aboard. It was the type

French

of vessel you could manoeuvre in the way you wished to.

Q In this case it is especially the movement in the engines that is important, I take it?

A It is what you call a plunger?

It gives you say, 500-horsepower.

Q This is what governs the ship?

A Yes. Then you have the engine behind to give you manoeuverability.

Q Well, in what way would you make this ship work?

A Well, there was a question of a drag. You can press on the switches to go to the right or to the left.

Q Who executed your orders to do this?

A The captain himself.

Q Now, you spoke of your last trip, or your penultimate trip. On what type of vessel is this?

A The penultimate trip I don't know what vessel it was.

Q Well, what about your trip this year?

A I was on a Liberty ship, the Saint Benito.

Q Is this a Liberty ship in its original state or was it lengthened?

A Not lengthened.

Q It was in its original state?

A Yes.

Q What nationality was it?

French

A Greek.

Q Greek?

A Yes.

Q Did you have any complaint to make about the helmsman?

A Yes.

Q Would you give us the details of this?

A Well, when I arrived at the locks off Beauharnois downstream the captain came with me on the bridge, and there was a helmsman in the helmsman area and the captain -- I told him to hold the wheel hard over to the right or starboard and when the vessel did not go to the right, then I gave full power.

In the helmsman area, there was roughly 5 degrees starboard hauling over.

Q Well now, the seaman, did he reply to the order you gave him? Did he react when you repeated this order?

A Well, I don't know if it had to be repeated but I know that 5 degrees was held over to the right, or starboard.

Q This is what you presume?

A Yes.

Q Perhaps it was 5 degrees to the right or starboard and he did not hear?

A Well, normally most of the time the vessel going in any direction --

Q When you gave this order what exactly do you mean?

French

A To keep the vessel hauling over.

Q At a given point?

A Yes.

Q And according to your experience as a seaman what must a helmsman do in this case?

A If the vessel goes to the right and you say to him slowly and gently haul the wheel over to the left, stop his vessel a little.

Q In other words, then if the vessel has received the steady order to the left he will haul right rudder. To get it to the right, you hold the wheel over to the left?

A Yes.

Q During this trip did the helmsman repeat the orders you gave him?

A I don't know, because I had him changed.

Q Yes, but before this incident?

A Yes, this could happen.

Q Is it normal for you to repeat orders?

A Yes.

Q Does this happen regularly, always?

A Well, you mean in my case?

Q Yes?

A There are times when they are not heard in the helmsman area, and you have a big vessel, you need microphones to talk.

Q The helmsman, does he hear you in the helmsman area?

A Yes, because when the order is given we

French

know this.

Q And you don't wait to see if the helmsman has heard or understood the order?

A Well, when we are in a position where we don't have the time to look and see, we do have indicators, instruments that show us this.

Q On some vessels aren't there voice pipes?

A For the engines, not to go to the helmsmen.

Q You have never seen this?

A No.

Q Well now, if you wish, we will go over, take the way in which the orders must be given to the helmsman. Would you please explain to the Commission the way in which these orders should be given. I am not speaking of the way in which you give them , but simply the way in which they should be given.

A Well, when I give orders, I say 10 degrees to starboard or 70 degrees to the left or to port, and so on. That is what I say. So many degrees to the right or left.

Q Well now, do you warn or require -- should you not give advance warning to the helmsman of what you intend to say?

A Well, we repeat. He may not understand.

Q Yes, but wait a minute. Do you tell him, do you warn him you are going to repeat your orders?

A Yes.

Q Do you use such expressions as this:

French

Meet her or ease her?

A Easy, yes.

Q Easy?

A Yes.

Q Yes. You yourself use these terms?

A Sometimes, yes.

Q Do you say port a little or starboard hold over a little starboard?

A No, goes starboard 5 degrees, 10 degrees or 20 degrees. That is what I say.

Q Do you consider that this is a good way of giving an order to a helmsman when you say port a little or starboard a little?

A Well, if he understands.

Q But others do not understand? Who do you mean, the pilot or helmsman?

A The helmsman.

Q The helmsman?

A Helmsman. We have these men in the Seaway who when you will say starboard a little, port a little, they will understand this.

Q Is that helmsmen you meet generally on the foreign-going vessels?

A No, because all those helmsmen are mates.

Q What about the pilots for the security, the safety of the vessel? Do you think it is desirable to have a code or a legend on the orders to be given and how they are to be given?

A Well, they should be done well in advance

French

and it should be sent to the vessels while unloading, before they get into the Seaway.

Q What about the vessels using the Seaway? I think there is sometimes an inspection at Longue Point?

A Yes, but when there is an inspection at Longue Point they are fully organized in this connection.

Q Well, according to your view would it be possible to have this system put into effect?

A You take vessels which go upstream, they know of that code, and so on.

Q What do you say?

A They go aboard. They have competent men there.

Q Does it happen sometimes that there are errors in the manoeuvering of the engines?

A Yes, it happens but less frequently.

Q Less frequently?

A Yes. It is less frequent than in the previous Seaway.

Q Why?

A Because now there are several vessels which have radio men and you have a buzzer which is going to ring. If the engines go in another way, the buzzer will go all the time.

Q Do you see this more frequently on -- what about vessels that do not have this installation? Do they still have errors sometimes?

A Yes, surely.

Q Are these errors putting your vessel in

French

danger?

A When they are near a lock, and there is a bad manoeuvre you may have.

Q Have you ever had accidents caused by false engine manoeuvres?

A Not me.

Q Have you had accidents caused by false or bad manoeuvres by the helmsman?

A Yes.

Q Would you please inform us how this occurred? Where it was? What about where you were?

A Well, we say this: Hold to port and they give power, they give throttle.

Q Yes, but what happened to the vessel? Was there extensive damage?

A There was an investigation I think. I am not sure what happened in this connection.

Q Did you go to see this?

A Yes.

Q Was this covering the whole of the front of the ship?

A (Not heard by interpreter.)

Q Was this like sort of an accordion where it was all folded up?

A No.

Q The vessel continued its journey?

A Yes.

Q It was still seaworthy after the accident?

French

A Yes, certainly.

Q Apart from that have you seen any other accidents? Have you had any other accident?

A No.

Q Could it be said the main difficulty in your work is a result of the fact that you have to manoeuvre all kinds of vessels of all types and categories?

A Yes.

Q It is above all the manoeuvering of the vessel?

A Yes. We have many manoeuvres to do also.

Q Well, if I understand properly looking at the charts which have been filed as exhibits, you have in fact little navigation to do. It is above all navigation to do within the locks of the canals?

A Well, if you take this as it is, you will find that there is quite a lot to be done.

Q Well, what about the importance and extent and difficulty of the work?

A Well, I would say in the work itself it may be 60 percent.

A question of manoeuvering.

Q When you are in the locks must you take some surveys with the help of the magnetic compass or the gyrocompass in order to state your position on the chart?

A It is not up to us to do that. It is up to the mate to do that.

Q But do you need that for your type of

French
work?

A Yes.

Q So you yourself, you do not establish the position of the vessel on the chart?

A No.

Q So how do you go about navigating? Relying upon the buoys that you meet?

A Well, with the help of the aids to navigation and we have our charts and we have our survey that we establish whenever we reach a certain -- like, we have a certain survey to the effect we must change our course.

Q Do you use the charts?

A No. We get to the point where we know the river by heart, and we know our charts by heart.

Q You know them by heart?

A Yes.

Q And during your experience as a seaman, could you please indicate to me one case where a change in the aid to navigation, for whatever cause it will be, whether it was an aid to navigation would have been impaired or a voluntary change in aid to navigation, could you please indicate to me or talk to me about a change that would have been such that a seaman,having a great deal of knowledge of the district would have been or could have been, because of that change, misled?

A Well, it never happened to me personally.

MR. LALONDE: Your Lordship, the witness

French

cannot, naturally, answer the question in which he was not personally involved.

Q Regarding the case against unlicensed pilots who might have performed pilotage, did your corporation ever think about making complaints itself against these people?

A Well, we have a Board of Directors of the Corporation which represents the corporation of pilots and it is up to them to make a complaint.

Q But do you think that the Board -- you are a member of that Board aren't you?

A Yes.

Q Have the Board of Directors ever thought of making complaints against these pilots?

Not to report the incident to the D.O.T., but rather to sue these people before Court.

THE CHAIRMAN: Where this is the kind of complaint for the purpose of suing somebody at Court.

A Well, there was a complaint for the Prindoc. It was the only case.

Q Was that done by the corporation?

A The corporation had a complaint with the D.O.T. and I think that the D.O.T. took the necessary steps.

Q Did your Board of Directors ever think of making these complaints before the Court directly without going through the D.O.T.? Complain against these people?

French

A No.

Q Regarding the stoppage of work in 1958, let us say it was a kind of sympathy stoppage of work rather than a stoppage of work which had grown by grievances.

A It was a stoppage of work and it was not because we did not go through the picket line, but the vessels did not have any sailing masters on board the vessels -- well, we couldn't go on board to go down-stream.

Q Was there a danger in order to cross that picket line?

A Well, we are piloting with these people and I think this is the reason we did not go through these picket lines because our President, as well as the Board of Directors asked the captain to take off his picket line and he did not want to, and so he even added to it and that is why we said we would make a formal complaint.

Q Were you afraid in any way whatsoever? Did you go through that picket line?

A Personally, well, I wasn't afraid of anything.

Q Did you intend going through the picket line?

A No.

THE CHAIRMAN: Is the witness answering for himself?

THE WITNESS: Yes.

French

Q Ever since the establishment of the original district, that is Montreal Kingston Ottawa -- that was the original district?

A Yes, St. Lawrence, Kingston, Ottawa.

Q That was in what year?

A 1934.

Q You became a pilot in 1956?

A Yes.

Q Ever since 1956 were there any requests for increases in the rates of a pilot's dues?

A Yes.

Q Did the request in the increase in tonnage precede or was subsequent to the request for the increase in the number of pilots?

A We asked that the number of pilots be increased, because the traffic was ever increasing.

Q At the same time did you ask for increases in the pilotage rates or tariff, at the same time you were asking for an increase in the number of pilots?

MR. LALONDE: Certain exhibits have been filed before this Commission which represent requests in each case, so the documents speak for themselves.

Q When you were asking for an increase in the number of pilots, you were thinking about asking for an increase in the tariff in pilotage dues in order to get to the same individual annual income?

A Yes.

French

Q When you asked for the increase in the number of pilots, did you establish or give evidence regarding the increase in the workload of pilots?

A I think that this was submitted to the Minister of Transport. I think it was submitted to the Pilotage authority.

Q Do you refer to evidence regarding the increase of workload of pilots?

A Yes.

Q If I understand properly you had submitted information regarding the increase in traffic, or the maritime traffic?

A Yes.

Q At that time did you establish what was the individual workload of pilots?

A Yes, I think that a brief was submitted regarding that.

Q Did you establish what was the individual workload of pilots?

A Yes, to the pilotage authority.

Q Now, amongst the exhibits, 807 to 814 or 815 inclusive, it seems that the major part of the correspondence was exchanged between your own counsel and the Department and not between the Corporation and the Department. Could you please explain to the Commission or would you tell us if your Board of Directors gave certain advice or instructions to the counsel?

A Yes. The Board of Directors told the

French

lawyer or the counsel what he wants to have and say prepare it in consequence.

Q This correspondence and the letters sent by your lawyers, were they submitted to the Board of Directors before they were sent by counsel?

English

MR. LALONDE: I have an objection to this line of questioning. I would object to this kind of questioning which imputes unethical practice by my firm, and I am quite willing to go in the box if my friend wants to examine me about that.

MR. JACQUES: Far be it for me to even suggest unethical practice. I want to establish before the Commission whether the correspondence which was submitted by my learned friend was submitted to the various Boards of Directors before it was sent.

THE CHAIRMAN: The question really you are trying to find out is whether it was a mandate at large that was given to the attorneys for the Corporation or whether a specific mandate for each case, and that everything had to be submitted to them for approval beforehand, which is not a common practice among other lawyers.

MR. JACQUES: That is it.

THE CHAIRMAN: Generally, we have a general mandate and we are told by our clients what to do, and then we carry on from there; so you want to know whether this was that kind of mandate or another one where everything had to be revieved by the Corporation?

MR. JACQUES: Yes. This correspondence

English

contains, and it is obvious upon reading the correspondence, statements of fact which are very important and I want to know whether these statements of fact were discussed and submitted to the various Boards of Directors before they were sent to Ottawa.

THE CHAIRMAN: In that light, I don't think it affects your integrity.

MR. JACQUES: It does not affect your reputation or integrity.

MR.LALONDE: Of course it does. This type of question is before you sent a letter, are you going to submit it to the Board of Directors? Are you going to submit to the Board of Directors every time you send a letter out. You get a phone call or you meet the Board of Directors, and they say you should write to the Department of Transport about this, that and the other thing and state our point of view which is this and this on this point, and then you write the letter and the question as to what is the exact relationship between the lawyer as to the detail of this or that letter is completely useless before this Commission.

I am going to go in the box in this regard.

THE CHAIRMAN: I think it would be well to know whether they were informed or kept informed of this correspondence? Whether they agreed with it or did not disagree with it.

MR. LALONDE: There is a rule in the

English

code of ethics of the law profession which states that the mandate is always presumed. My friend here is putting the mandate into doubt, into question, and I object to this.

THE CHAIRMAN: Well, he wants to know whether the facts stated in the letter are binding, the statements made are binding for the Corporation. If you say they are, well we will be satisfied with that.

MR. LALONDE: My Lord, there again the mandate being presumed in all cases, in the case of the relationship between lawyers and their clients, unless the client objects to what appeared in the letters, unless there has been objection, it is presumed to have been approved.

THE CHAIRMAN: That is all right. The burden is upon the Corporation to disprove anything that was in those letters. Otherwise it is binding on them.

MR. LALONDE: And I say it is the burden on my friend to prove it.

THE CHAIRMAN: No, the other way around. Everything that is in those letters is binding upon the Corporation because the mandate is presumed so, therefore, unless the Corporation denies those facts and gives evidence to that effect, we are going to understand it is proven that this was in fact what they asked you to do.

MR. LALONDE: At any rate, in view of the

English

imputation which my friend has put on it, I ask that he does ask the question. He will get the answers.

MR. JACQUES: The question was asked. Would you repeat the question, please?

(French Reporter repeats question.)

French

A This is what our lawyer -- whenever we have exchanged correspondence with D.O.T. I saw most of the letters that have been mailed, I saw them before they left for Ottawa.

Q You have told us that 85 percent of Upper Lakers employed special pilots?

A Well, I stated that in the older, in the older ship channel approximately 85 percent of the vessels were having pilots.

Q This applies to the older Seaway?

A Yes.

Q Now, insofar as the present Seaway is concerned, could you please tell us approximately how many of these vessels hired special pilots? I understand that two of them still have some pilotage?

A Those are two American pilots. I think there are three of them because one had been an apprentice during the whole of this year and he started to pilot last Sunday. There were still two other apprentices going on board the vessels and the pilot as well.

There are more than that. Those are only American, but the Canadian vessels -- there are certain who go on board but they say they are second mate or spare ship's masters. They don't say they are going to take pilots on. They say they are spare captains or second mates.

Q How did you establish these facts?

A This is what our Pilotage Authority told

French
us.

Q And these people, in fact, were supposed to be members of the crew?

A Yes, because according to Article 173 of The Canada Shipping Act they have a right to sign three articles on five vessels per year.

Q According to your evidence is this a common practice?

A Yes.

THE CHAIRMAN: I understand these men are taken on as members of the crew and only do part of the trip?

THE WITNESS: Yes, only part of the trip.

THE CHAIRMAN: In fact, staying on board only a few hours?

A Well, they will stay on board let us say from St. Lambert to go up to Clayton, go up there and go on board another vessel, but also sign on the article.

Q Is it common practice for vessels to change crew like that, engineer, wheelsman and to hire them for each lock or each part of the district?

A No, most of the time the men stay on board their vessels, but where the older Seaway stopped, well, there was a surplus of the mates, we say they do the pilotage, but the companies tell us they are spare captains or second mates on board these vessels.

Q Now, insofar as you can determine this is a practice which is fairly common?

French

A Yes.

Q When you were a mate did your vessel avail itself of the services of pilots? This is not so?

A No.

Q You didn't have any spare captain as you just mentioned?

A No.

THE CHAIRMAN: I suppose you will have more complete evidence later on, regarding this practice, which is, perhaps, legal or legitimate, if we look under the letter of the law we might think it legal. We will be able to have more complete evidence regarding this practice in order to be in a position to study it more thoroughly because at the bottom of it is the type of pilotage and naturally it falls under our terms of reference.

MR. JACQUES: Yes, Your Lordship. It is a legal practice which exists according to Section 173 of the Canada Shipping Act according to which the owner of many vessels, according to a certain special formula can have crews which belong to each of those vessels and the best possible way of establishing these facts before the Commission would be to obtain from the D.O.T., which has a copy, the hiring contracts from certain given data as regarding the practice that is in existence.

THE CHAIRMAN: This could be done in Ottawa if it is not done from here.

THE WITNESS: If the Commission would

French

like to have any information insofar as American vessels are concerned, I have some in the St. Lambert where we saw an American pilot going on board a vessel.

THE CHAIRMAN: Perhaps they were members of the Commission of Inquiry, American Commission of Inquiry.

THE WITNESS: Well, we see them often at St. Lambert.

THE CHAIRMAN: Regarding the stoppage of work at 1962, your meeting was convened in Three Rivers?

A Yes.

Q To the best of your knowledge, and perhaps you may even refer to your own files, were all pilots in attendance at that meeting?

A I wouldn't say all of them, but I would say approximately 95 percent of them were in attendance.

Q Well, amongst the resolutions you have adopted, if any, was there any that gave a resolution to the effect the pilots wouldn't go on board a vessel after a given hour in a given day?

A Well, we held a meeting here in Montreal. I couldn't tell you the exact date, but I think it is shown in the minutes of the special general assembly to that affect.

Q You have told us that one of your pilots wanted to withdraw from the corporation and that the Board of Directors had denied him that?

A Yes.

Q What was the reason for this refusal

of the Board of Directors?

A I don't think it would be good policy to let the members go outside the corporation. They knew about the by-laws of the corporation before becoming members of it.

Q Insofar as you are concerned and this was a matter of principle?

A Yes.

Q My last question, is it more dangerous to enter a vessel into a lock or to take it out of a lock?

A Well, to take a vessel in is more dangerous.

MR. JACQUES: Thank you.

English

RE CROSS-EXAMINATION BY MR. BRISSET:

Q Captain Perusse, would you have a look at the two forms of casualty reports back by pilots, forms that are in blank, and tell me whether they are the forms that were used respectively from 1958 to 1960 and from 1961 on to report casualties?

A This was the previous one and they are the new ones.

Q The first one which I will mark A was the one for 1960 and the one which I will mark B is the one now in use?

A That is right.

Q Will you file these two forms in Exhibit 816?

English

MR. LANGLOIS: Would you mind, Mr. Brisset, repeating the description?

MR. BRISSET: Exhibit 816 includes two sample forms of pilots' casualty reports, the one marked A being the one in use before 1961 and the one marked B being the one in use since 1961.

---EXHIBIT NO. 816: Two sample forms of pilots' casualty reports.

MR. BRISSET: Q Captain Perusse, during the course of your examination yesterday in connection with the strike of November, 1957, I had suggested to you that the pilots in your district were biting the hand that was feeding them, namely the Ocean shipping industry, and in this connection I would like to refer you to Appendix 11 in Volume 2 of the brief of the Shipping Federation of Canada, Exhibit 726.

At page 26 and I quote from the newspaper item published in the Montreal Star of November 11th, 1957, a statement allegedly made by Captain Chartier. You will see it. Mr. Chartier has reportedly stated this organization would start first on ocean-going vessels and then would concentrate on domestic vessels, depending on developments.

Is that a fair report of what took place at the time, to your knowledge?

MR. LALONDE: My Lord, the first question he should ask is whether he heard the report or Mr.

English

Chartier's statement.

THE WITNESS: I wasn't there when Mr. Chartier made that report.

THE CHAIRMAN: But in any event even if you weren't there when they made the statement or decision, were you aware of the decision that was taken?

MR. BRISSET: Q To start against ocean vessels first?

THE CHAIRMAN: If such a decision was taken.

THE WITNESS: I wasn't on the Board of Administration at that time.

MR. BRISSET: Q I want to read another part of this newspaper item. This one is from the Montreal Star, November 12th. I quote from the beginning of the item: "The pilots will vote today on a telegram to be sent in reply to a back-to-work deadline issued by the Department of Transport. The statement came in reply to a telegram from the Deputy Minister of Transport, J.R. Baldwin ordering the men back to work or face fines. The wire also told the pilots if their work stoppage extends beyond Wednesday the St. Lawrence, Kingston, Ottawa district may be abolished. Corporation President, J. Chartier said he believes the pilots would favour abolition of the district. This he said would enable the pilots to form a union similar to an industrial union."

Is that a fair report of what the pilots

English?

were thinking at the time?

A I don't remember that we ever had a meeting with all our members to that effect.

Q To that effect. Now, you mentioned to us the International Organization of Masters,mates and pilots, A.F.L.-C.I.O. was supporting you at the time.

I would like to quote a further extract of this newspaper item published in The Star of November 12th, at the bottom: "Rolla R. Johnson of Cleveland, Ohio, official of the International Organization of masters,mates and pilots, A.F.L.-C.I.O. said he planned unofficial talks with United States Government authorities and pilotage matters.

Mr. Johnson said any foreign vessels which pass through the system into the Great Lakes without the authority of the local pilots will be considered a blacklisted ship in the American lake ports. Any such ship would not be handled by members of the Maritime Trades Department of the A.F.L.-C.I.O. in the Lakes district he stated.

This group of stevedores, teamsters, railway trainmen or members of the Seafarers' International Union or S.I.U. Certified Longshoremen. This is the same Mr. Johnson that was spoken about yesterday, is it?

Q Do you not think, Captain Perusse, that the alliance of the local pilots with the S.I.U. and the teamsters at the time was rather an unholy alliance?

MR. LALONDE: Counsel for the Shipping

English

Federation would have to talk to us about the Mafia allegations against the shipping federation which was made before one Federal Royal Commission sitting at the present time by shipowners. This doesn't prove it is true. I fail to see the question my friend is trying to put in the record. All I can see is he wants to put parts of newspaper articles into the record.

I have no objection. He can put parts of newspaper articles in where people are reported to have said this and that.

THE CHAIRMAN: What is stated in the newspapers doesn't mean it is so or that any people said so because it is not proved, but counsel for the Shipping Federation is asking if the witness agrees with it or has the witness those facts?

MR. LALONDE: He stated, by asking it that way, asking the witness that it is not a good thing for the pilots to be affiliated with the S.I.U. and Teamsters at the time. This has to be proven first.

THE CHAIRMAN: It might be a little wide. It could be preceded by one or more questions.

MR. BRISSET: Q Well, Mr. Perusse, let us have your views on the whole subject. I think you can take care of yourself.

MR.LALONDE: My friend could have made a preliminary remark like he did yesterday and said it

English
is an unfair question.

THE WITNESS: Well, Mr. Johnson was here in Montreal. He told us, if I remember right at the Queen's Hotel, he said none of these ships would be working in the United States or Great Lakes. That is all.

MR. BRISSET: Q You had a meeting with Mr. Johnson here in the Queen's Hotel?

A Well, I think he was down here once when he mentioned that, that is all.

MR. BRISSET: In connection with that meeting in the same article, Montreal Star, November 11th I saw this and I quote: "The Pilots Organization is meeting Captain Rolla Johnson, of Cleveland and President of the masters, mates and pilots International Organization in the Queen's Hotel and the projected strike will be one of the major topics discussed."

You were referring to this meeting, I assume, when you refer to having seen Mr. Johnson at the Queen's Hotel?

A Correct.

Q Now, Pilots, as far as the Ocean Shipping Industry is concerned were you left with the impression at the time that the corporation was attempting to publicize that it had a dispute with the foreign ships, the ocean ships? Could you tell us whether our impression was correct, first, and if so why the corporation was attempting to make this, to colour the dispute in this fashion?

English

A Well, like it was here in the Gazette, I don't think we directed the strike only for foreign ships. I think it was for all ships to have a compulsory payment of pilotage dues.

MR. JACQUES: My Lord, I have been requested by the Department of Transport to ask a question of the witness and the question relates to the tour de role.

As the Commission remembers, in British Columbia there was a strict tour de role, that is, there was no adjustment or daily adjustment of the numbers of tours which a pilot has to do or had done.

RE CROSS-EXAMINATION BY MR. JACQUES:

French

Q Would your district consider a list, strict list without adjustment day by day on a rotation basis?

A No.

THE CHAIRMAN: What they have now is preferable.

MR. JACQUES: Q The present list is preferable?

A Yes, we believe that the list was made in the morning at nine o'clock and the afternoon, we think the adjustments are made much better.

Q Why?

A Because of the Canal, when you are going on trips for fourteen or fifteen hours, you have a

French pilot, one who comes up second, he will be released at seven o'clock at night, but there may be others who go at nine o'clock at night and we do favour in our district that a difference of one turn or one and a half turns is considered better.

Q If you have this other adjustment in your district each pilot would be obliged to follow, and eventually each pilot would be the same number of turns as the others?

A Yes, he would take on a vessel in turn, but if you have someone missing two days and he returns down on the bottom of the list, if he does [illegible] return, well that is going to be missing one turn.

Q Do you think with the strict list he would come down to the bottom of the list?

A Yes, and he would have to go down to the bottom of the list. He would always be one turn behind.

Q Two other points I forgot to deal with, communication with the Bridge guardians and communication with the lock guardians or lock chiefs. You said you have no radio-telephone communication with the bridges and the lock chiefs?

A Correct.

Q What is the system of communication?

A Well, when you are going downstream and you are loaded, for instance, to go downstream, what happens is with your Cornwall bearing on the radio [illegible] any vessel can communicate to see if there is

French

anything to be done in this connection.

Q What I mean is this, to know the length of the delay that will exist to open the bridge?

A No, but when we were on that vessel, before we are at the limit, there is what you call a whistle sign, we can ask the man in charge of the bridge where we are in this connection.

Q If there was a signal all along the canal would this be better?

A Our whistle sign is good.

Q If you had the same whistle sign to tell you that the bridge would open, wouldn't that be better?

A Yes, you have one at the moment. There is a red light which flashes, and they are going to tell us when the light flashes, it means that they are preparing the bridge for us, but at the moment we get to the area, it is red, and if it is staying red, if it isn't flashing, it means that we are in a bad position, the bridge isn't moving.

Q Well, it is to know simply whether the bridge will be open or not?

A Yes.

THE CHAIRMAN: In other words, you believe that the signal system presently existing doesn't give you enough information?

THE WITNESS: Yes.

THE CHAIRMAN: So you are not able to say by the present system whether you should continue at your speed, diminish your speed, you just don't

French
know; whereas with the telephone you could say, well, this will take another so many minutes and there is no traffic and so on. This would be easier with the phone?

A Correct.

MR. JACQUES: Q This is so?

A Yes.

Q As for communication with the man in charge of the lock, has it happened to you that you have arrived at some lock, and that you have attached your vessel to the berth, and immediately after this you have gone off from the lock?

A No, we have had to communicate with the locksman.

Q Well, the theory I have just given is, has it happened to you in fact to accomplish this useless manoeuvre?

A No, what happens is that at Beauharnois we want to control the channel which goes up to Lake Louis and here a man could act as a dispatcher in this connection. He could be in a place or area where he could see the traffic.

MR. JACQUES: Thank you.

RE DIRECT-EXAMINATION BY MR. LANGLOIS:

Q Mr. Perusse, you spoke just now of the French vessel, the Francis L. Lee, which is equipped with a screw in the rear. Would you please tell me if that is a bow thrust type?

A Yes.

French

Q Isn't it true to say following upon your knowledge that this simply gives you one direction or the other?

A Yes, it doesn't sort of give rudder control to the vessel.

Q Now, regarding the order to the wheelsmen who speak neither English nor French?

A Yes.

Q In your experience is it necessary also to use either a blackboard or chalk or something else to direct your order to the wheelsmen?

A No, not on the seaway, but let us say on Lake St. Louis, Lake St. Francis.

Q Isn't it true that some pilots are obliged to use very elementary rudiments of language like Greek, to give orders to wheelsmen in that language?

A There are, yes, some who do this.

Q Isn't it true that this linquistic business makes the task of manoeuvering much more difficult in narrow areas, in locks?

A Yes.

Q Therefore if the suggestion made by Mr. Jacques were adopted to have a code, shouldn't the code be in several languages?

A Yes, it should be.

Q Is it the custom aboard these vessels that the second officer, is it the fashion that officers have to t[redacted] the orders of the pilot to the helmsmen on the vessel?

French

A It sometimes happens but not often in the river, especially, but in the canals where you have manoeuvering the officers is with us on the dock or the bridge .

Q Does he transmit your order?

A It may happen sometimes when something is said they will pass it on to them.. but most of the time

/MR/SS

Most of the time they are with the telegraphs, and so on.

Q. When your orders are repeated, are they repeated in the foreign language of the vessel, or in English or French?

A. Sometimes they repeat them in English, but they don't always understand very well

Q Now,you spoke of the modern helmsmen areas. Isn't there a tendency at the moment to have the control of the main engine directly linked in with the helmsman's area?

A. Yes There are [illegible] vessels equipped with control in the helmsman area

Q. This is what we call bridge control?

A. Yes

Q. Now, Mr Jacques put a question to you, namely, if there could be cases where the defect of aids to navigation could cause trouble even with the Captain having a fairly good knowledge of the district. Isn't it true to say, for example, the fact that a system of lights would not be extinguished but you may have a foreign Captain even with some experience of the district --- this may happen?

A. Yes.

THE CHAIRMAN: This had been asked for the pilots just now, I think, by Mr. Jacques. That is whether any navigation could cause accidents and he said no, but of course for the foreign vessels, it is clear they know neither the charts nor the aids to navigation.

Q. Well, I am just coming to that, your lordship. To your knowledge, has it happened in your experience that you have noted that these foreign vessels did not even have charts of the area concerned?

A. Yes.

Q. That is all, thank you, sir.

THE CHAIRMAN: Have you any other questions?

MR. LANGLOIS: Your lordship, I think Mr. Lalonde has some questions.

RE-DIRECT EXAMINATION BY MR. LALONDE:

Q. In relation to the question that Mr. Jacques put as regards conferences or conversations aboard these vessels, have you ever thought or considered a system with the different languages for the instructions for the vessels?

A. No.

Q. Have you ever thought of putting this on film?

A. No.

Q. Again have you thought of having the crew trained for what to do?

A. No.

Q. Don't you think it would be useful to prepare, to draw up some kind of a training program which could, perhaps, be given in a school?

MR. BRISSET: The question is entered and I believe that apart from this question my learned friend is finally saying to the witness that it would

French

perhaps be preferable that foreign vessels should not go to the St. Lawrence Seaway. I think that this is going rather far.

THE CHAIRMAN: Of course, this is a problem that you do not just find in the St. Lawrence Seaway. I am convinced that American vessels, English vessels, Greek vessels, Swedish vessels which go to Venezuela must meet some difficulty with pilots in those areas, and the same thing in Brazil or anywhere else in the world. Look at the problem that you get all over the place. There must be some means of communication in a clear way which does exist for this. If there are not such things, perhaps something very simple could be drawn up like the signals on our highways, like on the European highways which work in several languages. I am not too well aware of these, but if there are such difficulties, there must be some remedy.

MR. LALONDE: On the contrary, your lordship, I would try to show the facility which does exist without danger. Your lordship, I would like to say this regarding the witness, once I finish with this witness, I would like to finish before the adjournment and I shall have another witness. I would like to have him here.

THE CHAIRMAN: Would you like us to adjourn immediately?

MR. LALONDE: Well, I will try and finish immediately, your lordship.

THE CHAIRMAN: Very well.

Q. Have you also followed a course of

what is called radar plotting?

A. Yes.

Q. Where did you follow this course?

A. When I was in Quebec and Montreal, at the Marconi Establisment.

Q. Do you think that this is a course which should be gone into in great depth by the apprentices?

A. Yes.

THE CHAIRMAN: On this same line of thought, when you have new instruments coming out, is there something organized so that the pilots may be made aware of the technical working of these, or is there only experience of these new instruments, just a haphazard thing, seeing them here and there when the vessel goes by?

THE WITNESS: When you become a pilot it is only by going aboard these vessels.

THE CHAIRMAN: So there is nothing organized then, to bring you up to date on the instruments or the new models of radar which I believe come out each year with the various perfections brought to them, and so on. It is just simply a question of touch and go, going aboard vessels?

THE WITNESS: Yes.

THE CHAIRMAN: And the same thing applies for new equipment aboard vessels?

THE WITNESS: Yes.

THE CHAIRMAN: I understand also that you have to rely on the Captain and their technicians as

regards the use of this equipment?

THE WITNESS: Yes.

Q In answer to one of my colleagues regarding the discipline committee, you mentioned that this question of the discipline committee had not been considered by your Corporation as such. Was it discussed within the Board of Directors on any occasions?

A. Yes. In 1962.

Q. When? On what occasion?

A. This question was raised, I think.

Q. Was it the discipline committee for your group that you wanted to establish?

A. Yes, for our own group.

Q. And which would have been operated by your Corporation, or by another organization?

A. No, by another organization.

Q. Which was what?

A. The Federation of Pilots.

Q. Was the project put into force, or was it put aside?

A. Well, it was put aside.

Q. In 1959, when the D.O.T. threatened to abolish the district because it was impossible to solve this question of transportation from Cornwall to Snell Lock, what was the reaction of your group or what was your own personal reaction?

A My own personal reaction, well, was the following: I did not think that this was a substantial argument to abolish a district for such a reason.

MR. BRISSET: Perhaps this was the last

straw that brought about the whole series of trouble?

THE WITNESS: Perhaps.

Q. Personally, do you think it would be useful for shipowners to sit on the Board of Examiners for apprentices or pilots?

A. No, I don't think it is necessary and to my ownmind I don't think it would be a good idea to have shipowners on the Board.

Q. In 1958, when the picket line by the sailing masters was established, did you have any reason to suppose that there might have been subsequent retaliation if you had gone through the picket line?

A Yes. I thought this might have occurred.

Q. Now, regarding the necessity of knowing English and French for apprentices in your district, do you communicate in French through radiotelephone on board vessels with either Beauharnois or St. Lawrence?

A. Yes, in French.

Q. In your district do you have small vessels where the only language used is French?

A. Yes.

Q. I am not talking about vessels on board which there are pilots. I am talking about coastal vessels?

A. Yes.

Q. Does it ever happen that there are some contacts made between vessels in French?

A. Yes.

French Q. Do you think it would be useful for the pilot to be in a position to understand French in such conditions, if he is aboard another vessel?

A. Yes, as a safety measure too.

Q. For the purpose of the file, could you please read in the file what was called my epistle on bilingualism dated July 4, 1962? This is a letter which was addressed to the Honourable George McIlraith, Minister of Transport, Hunter Building, Ottawa, Ontario, dated July 4th, 1963. Reference: System of apprentice scheme for Cornwall. "Dear Mr. Minister: I received your letter of June 18th,last, regarding the above-mentioned subject and my clients have especially underlined your observations regarding the knowledge of French and English on the part of apprentices in the Cornwall District. I would like to tell you that my clients disagree entirely with the stand taken by your Department in that respect. My clients consider this is another proof of the lack of understanding by your officials regarding the operation of pilotage on the St. Lawrence. As a matter of fact, if it is true, as you state, that most mates on ocean-going vessels shall understand English, nonetheless, in many cases French is the language used and that particularly on board small coastal vessels which trade increasingly within the district for whom French is the only language used.

Moreover, French is frequently used by pilots in order to communicate from one vessel to another or with the employees of the St. Lawrence Seaway. One can say that even for the efficiency of the pilotage

service a knowledge of French as well as English is extremely useful. Moreover, we cannot agree that to have a knowledge of English and French as a requirement would give rise to unfair distinction as you allege. It is not a question of prohibiting Canadians that do not speak French access to the service of pilotage within the district, but simply to give them the opportunity of learning that language. On the other hand, this is not an impossible thing, because in practice the knowledge of English on the part of French-speaking pilots is required. Moreover, all English-speaking candidates could, in the course of their apprenticeship, easily acquire the necessary knowledge of the French language.

At the present time where everybody is speaking about biculturalism and bilingualism, it seems to us absolutely astonishing to try to impose on French-speaking Canadians a requirement which is not required from the English-speaking Canadians to perform the same duties. Consequently, we ask you to revise your stand as indicated in your letter by taking into account the quality of the pilotage service in the Cornwall District, as well as the general policy indicated by your Government in the field of bilingualism. In fact, we think that if we are talking about unfair distinctions, we should rather be referring to the draft scheme proposed by your Department according to which French Canadians are subject to obligations which are not imposed on their English-speaking colleagues.

You state in your letter that you do not want to propose that all pilots speak English, because you

know very well this is a requirement of the practical order to which are subject the French-speaking pilots.

What would happen if one clear day the pilots of the Cornwall District decided to speak only French on board vessels? Our clients are convinced that the proposal they have made in their draft apprenticeship scheme aiming at requiring the knowledge of both official languages in the country is fair and favours an improvement or promotes an improvement in the pilotage service in the district and is in conformity with the principle enunciated by politicians of our country as well as a good number of Canadian associations.

Insofar as the plan which has been submitted by your Department is concerned, for the study by pilots, our clients consider that this is not a plan which is in conformity with the spirit of the agreement which took place betw een our clients and the Department of Transport in April, 1962. In fact this agreement provided for the establishment in 1963 of an apprenticeship scheme in the Cornwall District. Further, the draft submitted by the officers of your Department does not constitute an apprenticeship scheme, but rather a mere probationary system. The pilots are convinced that such a system is far from having all the merits of a genuine apprenticeship scheme. Lengthy studies have been made by experts regarding the training of [illegible] pilots in the district from Montreal and Quebec and in both cases where they proceeded to the establishment of an apprenticeship scheme, the Cornwall pilots are convinced that the same rule should apply in their own

French district.

The draft as set forth by your Department constitutes an attempt, in our own minds, to circumvent to the spirit of the agreement of 1962. In fact, according/ shipowners the difference between an apprenticeship scheme and a probationary scheme was very clear. In a letter dated May 23rd, 1962, addressed to the Honourable Leon Balzer, Mr. C. P. Mearns, manager of the Shipping Federation of Canada regretted the commitment made by the Department to establish in the Cornwall District in 1963 an apprenticeship scheme in contrast to a probationary scheme. What your Department proposes constitutes simply the adoption of the draft of the shipowners that your Department itself had refused in preference to an apprenticeship scheme in April, 1962.

Our clients do not contend that the apprenticeship scheme that they have proposed is absolutely perfect, but they consider that this scheme should constitute the point of departure for a serious and an objective discussion on this matter. At the present time your Department has had before it for many months a plan as submitted by the pilots and has not taken it into account in the preparation of the last draft that you have sent us. The pilots of the Cornwall District are ready to meet with your officers at any time in order to discuss this question. We remain, yours sincerely, " signed Marc Lalonde.

THE CHAIRMAN: And this is part of what exhibit?

MR. LALONDE: Exhibit 807.

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TORONTO, ONTARIO

French Q. Mr. Perusse, did you hear from the Department since that date on that question?

A. No.

MR. LALONDE: Perhaps, in the mind of my colleague, perhaps I can conclude this letter by saying this is the grace that I hope will enlighten you. We are going to read the letter in answer. It is not a lengthy letter. It is just an acknowledgment of receipt. The letter is the following, July 29th, 1963 -- my own letter was dated July 4th, 1963 and the answer is dated July 29th, 1963: "Dear Mr. Lalonde: I received your letter dated July 4th, 1963 regarding the apprenticeship scheme proposed for the pilotage District of Cornwall. Competent officials of my Department are studying the observations that you have made about that question and I will write you again as soon as I will be in a position to do so. Yours truly, George McIlraith." Mr. Perusse, I would like to show you Exhibit 748, which is the syllabus for the marine school in Quebec. Perhaps we could go through or scan each page and look at each course in order to find out if it would be useful for the training of a pilot. I only have underlined certain pages regarding the syllabus. Do you think that an naval architectural course would be useful in the training of a pilot?

A. Yes

Q. Do you think that a practical course of seamanship would be useful in the training of a pilot?

A. Yes.

Q. Did you think that the teaching of

marine administration at large and the contents of The Canada Shipping Act would be useful in the training of a pilot?

A. Yes.

Q. I already asked you a question regarding naval architecture. Do you think that a course in radio-telephone would be useful in the training of a pilot?

A. Yes.

Q. Do you think that in order to become a good pilot one must be a good seaman, a good mate?

A. Yes.

THE CHAIRMAN: In the same order, perhaps I could ask you to go a little further. Do you think it would useful to go on with the training of a pilot with pilots already exercising their profession receive a refresher course from time to time regarding the use of new instruments?

THE WITNESS: Yes.

THE CHAIRMAN: Because I am led to understand that there might be certain pilots who have been exercising their profession before the existence or the advent of radar?

THE WITNESS: Yes.

THE CHAIRMAN: There are many in your district, I am sure?

THE WITNESS: Yes.

THE CHAIRMAN: So I understand that these pilots, unless they have voluntarily, upon their own initiative, followed a course in order to receive

French

technical training above that, the only thing they know about it was because they had certain experience in the wheelhouse and having seen certain radar equipment in operation?

THE WITNESS: Yes.

MR. LALONDE: Thank you.

English

(Through the interpreter)

CROSS-EXAMINATION BY MR. MASON:

Q. On this question, pilot, of the use of the French language in the St. Lawrence Seaway, wouldn't you agree with me that the system such as the St. Lawrence Seaway should be operated for the benefit of the majority of the users of the Seaway and not for the pilots?

A. Well, it isn't only the pilot. I figure that lots of the lake ships, there are French fellows on board and they are talking French to Beauharnois and talking French to the pilot and I am among this too.

Q. Are you in a position to give me the number of lake vessels that use French?

A. Well, it is quite a few, but I wouldn't say the percentage of it.

Q. Would you say it is the majority or minority?

A. I don't know.

Q. You don't know. Now, would you agree with me that in the interests of safety in any kind of a

English
controlled system that only one language should be used in that all users of that system can know without calling what is going on by just listening?

A. By listening? When I go there, when I talk to Beauharnois if he answers me in French there I take it the way he gives it to me.

Q. Let us say you are an English-speaking Captain coming down to Beauharnois. Is it not in the interests of safety and the best possible use of the available air time that he be able to, without calling Beauharnois, to know what other traffic is doing in the area?

A. I figure if he wants to know about traffic he has to call Beauharnois same as we have to do

Q. But it would be useful if he did not have to call Beauharnois? If he could just listen?

A. Yes, but if anything happens and Beauharnois told him you never called me, what is going to happen?

Q. Your seagoing experience has been largely confined to the Great Lakes and the coastal waters in Canada; is that correct?

A. Correct.

Q. So you would not really know what language is used in general throughout the rest of the world on ships?

A. No, but down the coast it is all French.

Q. Now, in your experience have you ever

piloted any Danish vessels?

A Sure.

Q Do the officers of those vessels, as a rule, speak English?

A. Yes.

Q. How about Finnish vessels?

A. Oh, English and some talk French. Finnish fellows do.

Q. How about German vessels?

PB/E/SS

English

A. Lots of the Germans, they speak French.

Q. And the Greek vessels, I presume speak Greek?

A. Yes.

Q. How about Italian vessels?

A. Most of them speak French instead of English.

Q. Norwegian vessels?

A. They speak English.

Q. Swedish vessels?

A. English.

Q. Vessels registered in Panama?

A Well, in Panama they have Greek crews, so they are pretty hard to understand.

Q. How about Central American countries, do they speak English?

A. Yes.

Q. African countries, do they speak English?

A. Sure, but we are not that far. We don't go that far.

Q. Have you ever piloted an African vessel in the St. Lawrence Seaway?

A. No.

Q. Have you ever piloted a vessel which would come from the Asian countries in the St. Lawrence Seaway? Japanese, I suppose they speak Japanese or do they speak English?

English

A They speak English, not every one of them but some of them

Q British Commonwealth vessels, do they speak English?

A Yes.

Q I show you table 10 of Exhibit 475 and I would ask -- this table is entitled traffic by country of registry in the St. Lawrence Seaway between Montreal and Lake Ontario. I would ask you to look at these charts and tell me whether or not the majority of vessels using the St. Lawrence Seaway speak English, or the officers in charge of these vessels?

A Oh, on the calling points there is no benefit to the captain. If we are out of the canal the master goes down below and we are take the river When we come to a calling point, we call Beauharnois, that is for our own benefit. That is not for the master The master is not down below He doesn't know He says if you are going to tie up or anchor you tell me you are going to anchor or tie up.

He said, Okay, that's it.

Q You were just talking about vessels with pilots on board at the present time?

A All these foreign vessels that you mentioned, they all have pilots on board.

Q We will deal with the Canadian vessels, what proportion of the vessels according to that chart ...

A When we are piloting lake vessels we speak English to the dispatcher, and you can ask

English

Beauharnois.

Q Beauharnois, I gather is presently using both English and French?

A He is entitled to.

Q Don't you think it would be of benefit to the master of the vessel who speaks English to be able to understand what dispatching is being carried on?

A That is what I am saying, when I get aboard a lake ship and the master talks English I report in English. If I am aboard a foreign ship and it is for my benefit I speak French to the dispatcher.

Q Don't you think it would be of benefit to the master of a foreign vessel to know what dispatching is going on?

A No, because the master doesn't know. He is down below.

Q Is he always down below?

A When we are going into the call point, he just tells me fifteen or ten minutes before you check or you are going to tie up or anchor please tell me

Q You are speaking of vessels that you are actually piloting?

A Yes.

Q What about other vessels just listening in that are not piloted, isn't there some advantage in the interests of safety for them to know what goes on between you and the dispatcher?

A Well, the dispatcher -- like two Greek ships talk together. I don't know what they are

English

saying. They talk with their agent in Montreal there even in German and Greek.

Q That has nothing to do with traffic control?

A With traffic control, if a Lake ship like you mentioned, if they want to know what is going on in the traffic they just have to call Beauharnois They can call Beauharnois if they choose just as I can call Beauharnois for my own purposes.

Q I will put it to you this way: I am saying to you that it is in the interests of safety that only one language be used for the control of all traffic in the St. Lawrence Seaway. Do you disagree with that?

A I disagree. I think it should be two.

RE-EXAMINATION BY MR. LALONDE:

Q Do you think it would be in the interests of safety that you have all pilots in your district who can speak both French and English?

A Both.

Q Do you know what language pilots use when they communicate with their stations in any country in Europe?

A They are talking their own language.

Q If a master wants to know what is going on he has to use the language which is used in the country, is that the case?

A Sure.

English

Q If a Lake ship's master wants to know what is going on they should either have a bi-lingual pilot on board or have somebody who can speak French.

A If I report in French and if the master wants to know he just has to ask me and I tell him.

MR. MASON: You are coming to a sharp curve in the channel and want to give a security call, what language would you give the security call in?

A If it is a foreign ship coming, and it has a pilot on it and we know which pilot it is I would talk to him in French. If I make a security call I make it in English, if it is a Lake ship coming down I make it in English.

MR. MASON: If you don't know what the ship is.

THE WITNESS: We always know what the ship is coming down when we are going through the Seaway.

Q Any further questions of Captain Perusse?

Well, Captain Perusse, your corporation is a young one but with a long history so you have had a quite touchy subject that you were questioned on and we thank you very much for your frankness.

We will adjourn now for a few minutes.

MR. LALONDE: I ask the Commission if we should have a rather short adjournment. I have a witness from Quebec City and I would like if possible to have him finished before one o'clock.

---SHORT RECESS

---UPON RESUMING

PAUL HENRI GUIMONT, sworn

DIRECT EXAMINATION BY MR. LALONDE:

French

Q What is your job, please? Your profession?

A Administrator and stock promoter

Q Do you have anything to do with the administration of the pension fund of the Montreal Pilots, district of Montreal?

A 1957 I was somewhatconnected with this, not too much authority in terms of recommendations and suggestions, conversion of titles from the point of view of maturity, interest, categories, but while being limited in terms of recommendation and suggestions to the D.O.T. in Ottawa who in turn submitted them to the Minister of Finance and sometimes there was some delay in these things which may have made or diminished the strength of the recommendations.

Q Could you tell first, the Commission, as to your knowledge how you proceed receiving contributions for the retirement fund?

A Well, the Pilotage Authority gets 10 percent itself or takes off 10 percent of pilotage dues.

Q Would you be able to say who determines, adopts the ruling as for the payment or allowance to the orphans or dependents?

A Well, this is done by the Board and submitted subsequently to the Pilotage Authority and then

French
to the Department

Q Does this also apply to the Montreal District? I note a memo in Paragraph 276 which states that these payments are made according to the rules adopted by the Department of Transport?

A Yes.

Q In its capacity the Pilotage Authority recommended by the Treasurer and ratified by the Governor in Council as per regulations which go back to 1955. When you said in your previous answer, you spoke of the Council, are you referring to the Administration Board of the Pilots?

A Or, I think it was the Board of the Society.

Q Does it have anything to do with the drawing up of the regulations in 1955 for the Treasury Board and the Pilotage Authority or not?

A Not that I know of.

Q What are the principal observations or criticisms you may have in relation to the present system of retirement funds in the Montreal District?

A I think this retirement fund represents one of the most typical cases of administration, primary administration and retirement fund and pension fund. Basically the retirment fund for the pilots in Montreal are administered in a more narrow manner than the administration of assets in business.

Q Well, do you mean minor assets?

A Yes, we always look at the civil code

French

of the Province for how much latitude. There is much more latitude within the rules of retirment fund in Montreal, or the limitation as exercised province-wise and incurred by the Federal Government.

Before 1957 this was in proportion, 90 percent of the obligations of the Canadian Federal Government, coming to the Federal Government, assets which are transferred to the Federal Government. We had made some recommendations to the Board of Transport at that time, and they had some discussions with the Deputy Minister of Finance -- they accepted some recommendations of the Corporation in terms of $500,000 as compared with maturity and this previously involved some transfers of obligations of the Federal Government, and with interest against obligations or bonds of the Federal Government, of the Province of Quebec, Hydro Quebec, Ontario Hydro and several others with a view to diminishing the position of the deficit of the retirement fund, and especially with a view to enlarging the amount of money in the fund.

Q I would remind you we have an interpreter and it is difficult to follow you at such a high speed. Could you please slow down a little?

THE CHAIRMAN: Do you wish the stenographer to repeat this?

THE WITNESS: We have proceeded to this exchange for a period of some months, for an amount of roughly half a million. It was brought the income from the amount of the fund up considerably, and when we wanted to leave

French

roughly $400,000 in the fund we wanted to convert part of it, keeping still 20 per cent, as we saw it, and the obligations of the Federal Government 20 per cent. It was recommended that it be converted to municipal obligations or bonds.

This of course could no longer work. We were refused exchange claiming that the authority of the Department of Finance exercised by the Department of Transport which refused to do this in terms of Federal and Municipal obligations, and it was that time that the only means that we were able to find with a view to benefiting the funds was to do this on a prorata basis. Substantial amounts of obligations and bonds, three-quarters remained, too much. We were unable to convert it personally because the rate of interest was such that $400,000 beyond the 20 per cent,whereas in the other obligations on bonds, in terms expressed their yield in proportion of pretty nearly one per cent which represents an amount on top of that -- there was an increase in the income of some $500,000.

The rates and interest varied but I can say it increased, the amount of yield on the return for the pilots of Montreal -- in a similar case, the Quebec pilots, we had a little more latitude, we were able to, through exchanges of prudent types as we had proposed, we were able to increase the yield to 5.20 from 1960 to 1961, whereas the pilot fund in Montreal we haven't yet been able to succeed in raising above

French

4.80.

Another comparison I wish to draw is that if we had been able in the past, 1957 to exchange another $200,000 of this obligation for bonds at three-quarters, bonds of the City of Montreal, which were only beginning then and which had a rate of interest of 5 1/4 the funds had immediately lost $80,000 of capital but between 1957 and 1962 it had a depreciation in the rate of interest.

The sum of $200,000 would bring 5 1/4% of of that instead of giving the interest rate which one would expect.

English

MR. LALONDE: Q Would you continue in English?

English A Since the beginning of this year we made a comparison between the yields, or the effective rates of interest between the purchases of the Montreal United Pilots' Pension Fund and the Quebec fund. The Quebec fund had invested since the beginning of the year on an effective rate of interest of 5.63 percent where for the United Montreal Pilots we had a rate of 5.53.

There is a differential of 1/100 of 100 percent which means nearly $200 differential for the purchases which had been made since the beginning of the year. For a period of 20 years that would mean over $4000.

Q My Lord, I would like to point out to this Commission that the articles we refer to are

English

Section 366 to 370 of The Canada Shipping Act, 1934. Sections 373 and 374 were to come into effect only upon proclamation and, in fact, these sections, 373 and 374 have never been proclaimed through the Canada Shipping Act, 1952. It doesn't make much difference as far as the Montreal pilots are concerned because through 366 and 373 there is the same limit of investment, because Section 366 of The Canada Shipping Act 1934 is Section 373 of The Canada Shipping Act 1952.

Investments, which in the opinion of the Pilotage Authority become necessary shall be invested in Dominion bonds and other investment services approved by the Governor in Council in the name of the Minister of Finance in trust for such funds.

Mr. Guimont, would you tell the Commission whether you have any real authority or power over the investment of the funds? What is the procedure you follow?

A The pilots don't have any authority at all. In the past, until 1959, 1960 when there was some substantial balance of the funds, I think there was contact between the Minister of Transport and the Minister of Finance which would authorize the purchase of certain bonds, Dominion of Canada bonds or Province or similar bonds.

Since 1960 regularly, Mr. Hamelin had been in touch with the Department to ask them to purchase, as soon as he has got a small amount, in order to get the interest as fast as possible on these

English

funds which would represent by the end of the year certain increases in the revenues of the fund. But he doesn't have, I mean the Corporation and the pilots don't have any authority to ask or to recommend any purchases outside of those two categories of Canada and Provincial bonds, all guaranteed.

I think it would be a very good, very sound policy to authorize to buy municipal bonds, a few industrial bonds and also a few equities which we do find in all pension funds today in Canada. I think it is very archaic for this fund to be the way it is today because, first, the pilots are the owners of their own, of this fund and they don't have the management of the fund and they don't have the authority of purchase and they don't have the authority to discuss with the Minister of Finance or the Minister of the Transport the new methods of investing of those funds so as to reach a better return on their acceptance.

It is administered, not even like trustee funds, but in a much more severe way, as in infants, minors' funds.

Q. Do you have any comment to make as to the effectiveness of the administration of these funds by the Government since you have been connected with this? How fast are you proceeding to make investments?

A So far as they have the power to invest in Canada or Provincial Bonds, well, they do well, and for the last three years we didn't have any difficulty and no trouble at all.

French

Captain Jones has been very co-operative and I have understood also that the authorities of the Minister of Finance have always been very effective, although there are sometimes small problems of which they are not responsible.

Early in September as I said there was a new issue of Province of Quebec bonds with a coupon rate of 6 percent, which I think is pretty exceptional, so I had informed the same morning the Authority, Captain Rousseau of the Quebec Pilots and took the responsibility of buying thirty thousand for the Quebec Pilots.

I called Mr. Hamelin in Montreal...

Q Was this the same morning?

A Pardon?

Q Was this the same morning?

A In the afternoon, and asked Mr. Hamelin to get in touch with Ottawa to buy as much as he could of those bonds, so he called Captain Jones who had to call the Minister of Finance who had to call the Bank of Canada, who had to call the broker in Montreal.

MR/RPS

English

A. In the meantime the bonds which were sold one morning at $99.50 to the Quebec pilots were bought by the Montreal pilots at $103.25. This is a difference of nearly four points on $30,000. This means $1,200. This is quite a lot.

Q. But the Quebec pilots bought it at the lower rate you mentioned?

A. The Quebec pilots bought at $99.50. The Montreal pilots $103.25. Mind you, it was still a good price for those bonds but they could have bought, you know, two days and a half earlier at $99.50 if they had been in a free market.

Q. On this strict investment you say there was a loss, a comparative loss between the two ?

A. A comparative loss of $1,200.

Q. Against the Montreal pilots?

A. Yes. The Montreal pilots and very lately the Quebec pilots bought a new issue of City of Montreal, five and three-quarter bonds on a basis of five eighty each. I don't see why the Montreal pilots couldn't have bought such Montreal bonds and with this coupon and on this yield, because after all, it was one of the best bonds in Canada.

Q. If you were to make a recommendation as to the general powers on investment in connection with these funds, in connection with these pension funds, what would you recommend? Would you assimilate them to other funds or what would you recommend? How wide would be the powers which you would grant as far as investment?

English

A. I think they should be allowed to invest in any kind of securities authorized by the Federal or Provincial Superintendent of Insurance.

Q. Is this the rule which is applied to pension funds all over Canada?

A. More and more nearly all the funds today, pension funds are administered under those laws, I mean those rules. They have authority to invest in Canada Bonds, Provincial Bonds or bonds guaranteed by the Federal or Provincial Government, Municipal Bonds, Industrial Bonds and certain types of stocks amongst the best equities of the Canadian economy.

Q. If you were to make a recommendation as to the administration's powers to administer these funds would you recommend that it be left in the hands of the Pilotage Authority or would you have any other recommendation to make as to who should administer and control these funds?

A. We did make a recommendation to the Minister of Transport in 1961, a recommendation that we had discussed before with Captain Jones and the representatives of the Minister of Finance at a meeting that we had in Ottawa and we did suggest to them to take this fund out of the hands of the Minister of Finance and put it into the hands of a trustee like the Royal Trust Company and General Trust Company of Canada or any of those trustees who are very well reputed today and create a body of authority amongst the pilots, a Committee of the President, representing the President of

English

the pilots, their lawyer, their treasurer and an investment counsellor which, with the trustee, could recommend the investments every time they would meet during the year. This transfer could be made very easily and would give to the pilots today the same guarantee of security as they have today with the Minister of Finance, because after all, it is not the duty of the Minister of Finance to administer a fund which does not belong to him and according to the rules which are too old and do not correspond to the period in which we live.

Even discussing with this representative of the Minister of Finance he told us very blandly that the pension fund of the Civil Service Commission in Ottawa was administered by a Committee outside the Department, and they have authority to invest in all securities; industrial bonds, stocks, provided, you know, they were legal investment for insurance companies and I think that this committee could well protect the interests of the pilots in their own investments with eventually the necessity of once a year to make a report to the Minister of Transport.

Q. May I draw the attention of the Commission to Section 366 of The Canada Shipping Act of 1934 and also 373 of The Canada Shipping Act, 1952 which states that all superannuation, retirement and annuity funds in pilotage districts for which the Minister is the pilotage authority, except the pilotage district of Quebec --- that is in the 1934 it is only mentioned, or any other pilotage district which may so elect after

English

sanction by the Governor in Council shall be administered by the Minister of Marine and Finance and I understand the witness that it was from this election that they approached the Minister. What answer did you get to your request?

A. At that time Capt. Jones and those officers of the Minister of Finance were quite willing. They even told me that they would recommend that to the Minister. They would recommend the transfer to the Minister and I wrote to the Minister after telling him the procedure that we would like to follow, asking him for his authorization, but he answered me that at that very time the Glassco Commission was on duty so that he would wait until the report of the Glassco Commission before giving any different answer although he felt favourable to the transfer and he did add also something that he was thinking about a future Commission on Pilotage which might probably consider this problem. So I wrote him back telling him that we were quite disappointed because after all, every year that we are losing, we are dealing for the pilots and there maybe a loss of ten, maybe a of loss of $15,000.00 per year in additional income from different types of investment, but you know, it was 1961, the Glassco Commission was sitting at that time and the Minister was waiting for their recommendations.

Q. I refer the Commission to Paragraph 282 of the brief of the Federation of Pilots as to the recommendations made by the Glassco Commission which reads: That the pension funds of the pilots be established

English

on a solid financial base or that the government define more clearly its position while repealing the articles of The Canada Shipping Act which vest it with certain responsibilities. Would you be willing to table the exchange of correspondence between yourself and the Minister in this respect?

A. Certainly.

MR. LALONDE: My lord, I also have some correspondence in this respect, but unfortunately I do not have it with me. May I be allowed to annex it to this exhibit later on this afternoon?

THE CHAIRMAN: In a bundle under Exhibit 817, yes.

---EXHIBIT NO. 817: Correspondence between the Honourable Leon Balzer and Mr. Guimont's firm, concerning the pension of the pension fund of the Montreal District Pilots in 1962.

Q. Do you act as an advisor or consultant with other pension funds yourself?

A. Quebec Pilots, Montreal Pilots and another one that I can hardly mention, but for quite a few inatitutions, or something like that, but the other fund I cannot mention.

Q. But you also act for other institutions?

A. Yes.

Q. I notice that there is a general recommendation in the brief of the Federation of Pilots to

English

this Commission,which is recommendation number 10, reproduced in Paragraph 495 which reads that the retirement plans are left to the discretion of each corporation but are subject to the general laws applicable to pension funds. The present provisions of the Canada Shipping Act in this regard must be repealed. Did you have an opportunity of taking a look at Paragraph 496 and 497 which follow?

A If I had ---

Q. Did you read Paragraph 496 and 497 before?

A Yes.

Q. Are you in agreement with the recommendations and the comments?

A. Entirely, because there are so many safeguards to it if such a fund is transferred to a trustee, that there is no reason that such a fund be left in the hands of the Federal Government. I think that the pilots can very well manage and the Quebec Pilots have proved it, not entirely, but partly for the last three years. They did very well and they could still do better if they had more authority as to their investments and the same situation would apply to the Montreal Pilots if they had the same authority to manage their own investments.

Q. Thank you.

A. There are so many safeguards to it with the Committee and trustee and the rules which could be approved by the Minister of Transport before being

English

put into effect that there would be no problem at all and all these funds are nearly, I would say today, in Canada, well over 85% of the pension funds are administered in this way or by insurance companies.

CROSS-EXAMINATION BY MR. JACQUES:

Q. Just one question, my lord. The investment powers which you recommend for Montreal would they be those which are now enjoyed by the Quebec pension fund?

A. I would go further than even the Quebec pension fund which absorb --- they buy only Provincial, Federal and municipal bonds. I think that the law should go much further than that. They should have authority to buy also industrial bonds of good quality and stocks, equities of good qualities, but for a percentage, not going over 25% in stock and not over 15 or 20% in industrial bonds.

Q. Thank you.

RE-DIRECT EXAMINATION BY MR. LALONDE:

Q. If I understand you well, what you are proposing is that the limits which appear in the Federal or Provincial Insurance Acts as to the limits of power of investments should be applied to these pension funds?

A. Yes. I said that before.

English

THE CHAIRMAN: Any further questions of Mr. Guimont?

MR. LALONDE: I can proceed for a little, but my friend Mr. Brisset has a request to make to the Commission.

MR. BRISSET: I would like to request an adjournment at this time, my lord.

THE CHAIRMAN: Yes, you told me you had something at one o'clock, so we will not start a new witness right now. We will adjourn until 2:30.

---Luncheon adjournment.

/MR/RPS

English

---ON RESUMING AT 2:30 P.M.

MR. JACQUES: My lord, at your request I obtained copies of source forms relating to the voyages given in Exhibit 781 filed by the pilots by Pilot Belanger entitled "Voici mes voyages pour 1962". I .. chose voyages at random and I have eleven source forms. We have to return these to the Department since they are originals and they might be replaced by photocopies.

THE CHAIRMAN: Yes, that is all right.

MR. JACQUES: I will make some available to counsel.

THE CHAIRMAN: I wish you could make them available to counsel with a list so that they would be satisfied those are typical source forms for the kind of trip listed in that list and if they are not, they may try the others.

MR. JACQUES: The voyages I chose I ticked off in red on the exhibit my lord.

THE CHAIRMAN: That is all right. You will show that to Mr. Lalonde.

MR. LALONDE: Thank you. Mr. Jacques Saucier. It seems that my colleague has other questions to ask Mr. Perusse.

ANDRE PERUSSE, Recalled

French

(THROUGH THE INTERPRETER.)

CROSS-EXAMINATION BY MR. JACQUES:

Q. Mr. Perusse you have piloted at any

French
rate from Montreal-Kingston before?

A. Yes.

Q. Now you are piloting from Montreal-Cornwall?

A. Yes.

Q. In the section Montreal-Cornwall could you please indicate to the Commission what are the places where a given casualty could block traffic or could slow down the traffic a great deal?

A. Well we could take the eastern extremity of the entrance of the Seaway extending to the anchorage, that is to Beauharnois which is on Exhibit 453. Number of the chart is1410.

Q. Extending to the anchorage indicated with a blue circle?

A. Yes, and you are then in Beauharnois Canal, to Beauharnois here, above Beauharnois.

Q. You say "here". What do you mean by that?

A. Between the lock above Beauharnois and the Grosse Pointe at the entrance of St. Francis Lake.

Q. In that place in the channel traffic wouldn't be blocked completely?

A. No. It may give rise to certain difficulties as to navigation. It might stop navigation from Grosse Pointe to St. Zotique.

Q. Would you indicate on the chart, Exhibit 455 there?

French

A. And then starting from Lancaster Bar, the ranges of Dupuis up to the Squaw Island anchorage around Graveyard Point and after that you could say starting from the Raquette River Range up to Smell Lock.

Q. Thank you.

MR. JACQUES SAUCIER, Sworn

THE WITNESS: At the outset your lordship I would like to file the document that Mr. Brisset has asked for the Corporation of the Montreal Harbour Pilots. I was asked for the minutes of the meetings of the Board of Directors or annual general meeting insofar as the tariff was concerned for the year 1962. I would like to file this and also a document of the meeting of the Board of Directors.

THE CHAIRMAN: This was Exhibit 802.

THE WITNESS: Moreover, Mr. Brisset had asked for an excerpt of the minutes of the Board of Directors where wages were mentioned with the representatives of the Shipping Federation. I would like to file a document of these minutes.

THE CHAIRMAN: I don't think that any exhibit number has been given to that excerpt of minutes.

MR. LALONDE: This is an excerpt of the minutes of the Board of Directors in 1962, March 5th 1962 regarding the negotiations with the Pilotage Authority. I think that this should be annexed, your lordship, to the exhibit that has just been filed

French

because it refers to the same year and those are discussions revolving around the same subject. One is dated February 26th 1962 and the other one March 5th 1962.

THE CHAIRMAN: That is annexed to Exhibit 802?

THE WITNESS: Also a telegram sent April 6th 1962 which regards to this same matter.

THE CHAIRMAN: Still included in Exhibit 802.

MR. LALONDE: I was told that Exhibit 802 was the financial statements.

MR. JACQUES: No, those are the minutes of the Board of Director's meeting and also meetings for the negotiations of the tariff in 1962 with the Montreal Harbour and documents regarding indirectly the stoppage of work of 1962.

THE CHAIRMAN: I don't think any exhibit number has been given.

MR. LALONDE: The exhibit number your lordship is 798.

THE CHAIRMAN: Yes, agreed.

Q. Yes?

A. Also an excerpt of the minutes of the general special assembly for the stoppage of work in April 1962.

MR. LALONDE: Same exhibit number your lordship.

French

THE WITNESS: And I think that the other one is Exhibit 804 and 805 your lordship, you had asked for a report or rather the financial statements that were sent each year to each pilot.

THE CHAIRMAN: That was Exhibit No. 804.

A. So I have two excerpts here for a married man and a bachelor. We still have the insurance policies to file before the end of the week.

Q. So this is Exhibit No. 804. What is 803?

A. I think that the remaining documents I may be in a position to file tomorrow.

CROSS-EXAMINATION BY MR. BRISSET:

Q. So Mr. Saucier you have filed as Exhibit 804 a copy of the financial statement given to the pilots at the end of the fiscal year 1962 showing more particularly what has been deducted from the income of certain pilots because of their families regarding this insurance policy?

A. Yes.

RE-DIRECT EXAMINATION BY MR. LALONDE:

Q. Mr. Saucier you are the Secretary-Treasurer of the Corporation of the St. Lawrence River and Seaway Pilots?

A. Yes.

French

Q. Since when have you been in that position?

A. Since 1955.

Q. You have been in that position continuously since then?

A. Yes.

Q. I would like to draw your attention to Exhibit 806 which are the By-Laws of the Corporation of the St. Lawrence River and Seaway Pilots.

A. Yes, as well as the letters patent.

Q. Could you please tell the Commission how many members you have in your Corporation at the present time?

A. Well 32 pilots.

Q. Does that represent the total pilots in the District?

A. Yes, in the District Montreal-Cornwall.

Q. How many members are there on the Board of Directors?

A. Five.

Q. Could you tell us approximately how frequent are the meetings of the Board?

A. Well the Board meets regularly once per month.

Q. Was that procedure followed constantly, ever since the inception of the Corporation?

A. Well more or less.

Q. Are minutes kept of these meetings?

A. Yes.

French

Q. By yourself?

A. Yes, by myself and read at the next meeting and signed by the President.

Q. What is the degree of attendance of the members of the Board? Usually are all the members in attendance at the meeting?

A. Yes, all of them, with very few exceptions. Perhaps a Director may be absent one day but this is a very rare occurrence.

Q. As Secretary-Treasurer do you have a vote at the meetings?

A. No.

Q. Do the Directors receive a remuneration in order to perform their duties?

A. Yes. During the winter season they receive an amount which has been voted at the annual general assembly.

Q. How much do they receive in the Winter?

A. $15.

Q. Do they receive a given remuneration during the meetings held during the navigation season?

A. The same amount has been voted for this year, $15.

Q. Do they receive allowance aside from that remuneration?

A. No, no. They receive only $15. This $15 is allocated for their expenses.

Q. Do they receive an expense allowance besides that?

French

A. No. This amount is for the meeting of the Directors of the Board as expenses.

Q. So there is no expense account which is produced then?

A. Yes, we always sign detailed expenditures. We account for the day at the meeting.

Q. Let us say the Director gives an expense account for the day of $12, he just the same receives $15 automatically?

A. It is not only for that day. When the Directors have expenses outside of the meeting of the Board of Directors, whether it is to go to Ottawa or to go and meet with the Authorities at times they may submit an account of expenses which is submitted and accepted by the Board of Directors.

Q. When this is a meeting as such, is there an expense account to be submitted or is $15 paid automatically?

A. $15 is paid automatically but despite all in the minutes we always indicate we pay $15 for the day of the holding of the meeting.

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PB/RPS

French

Q. So when there is a meeting of the Board of Directors there is no further reimbursement for expenses than this allowance of $15?

A. No.

Q. During the winter is there any reimbursement aside from the reimbursement of expenses?

A. No, only the $15.

Q. Is there an allocation of turns for the meetings during the navigation season?

A. During the navigation season each pilot is entitled to one turn.

Q. Were the annual general assemblies held every year ever since the organization of your Corporation?

A. Yes, every year.

Q. Are the minutes of these meetings taken?

A. Yes, constantly and read the following year and adopted.

Q. I would like to draw your attention upon paragraphs 3 and 4 of the brief presented to this Commission by the Federation of St. Lawrence Pilots. I see that there is a number of persons. You have an account of attendance in the years 1960, 1961 and 1962 in the Corporation of St. Lawrence River and Ottawa Pilots, 45 out of 56 in 1960 28 out of 32 in 1961 and 1962, 31 out of 32. Are these figures accurate?

A. Yes.

Q. Were they prepared by you with the minutes of the Corporation?

French

A. Yes, at each annual meeting the pilot signs his name so we just added up signatures of the pilots.

Q. Could you explain how come you have 56 members in 1960 and 32 starting for the year 1961?

A. In 1961 we had the division of the two Corporations, or the Corporation in two. We had two sections under the same Corporation and in the year 1961 the two Corporations divided themselves. One formed the Corporation of Upper St. Lawrence Pilots and the other the Corporation of St. Lawrence River and Seaway Pilots.

Q. Did the members of the Corporation receive the agenda which is shown in General By-Law No. 1?

A. At least seven days in advance.

Q. Did it ever happen that members had some proposals or suggestions before the holding of the general assembly?

A. Yes, it happened we received certain motions that had been moved and seconded and we put them on the agenda and we sent them seven days in advance to the pilots for discussion at the general annual meeting.

Q. Were the suggestions then sent out to each pilot?

A. Yes, with the agenda and a notice of meeting of general annual assembly.

Q. Do you have with you a list of officers of the Corporation of St. Lawrence River and

French

Seaway Pilots during the past few years?

A. Yes.

Q. Did you prepare this as a separate document? I would like to show you a document entitled elected officers from the year 1957 to the year 1963 for the Corporation of the St. Lawrence River and Seaway Pilots. Was that beforehand the Corporation of Pibts of St. Lawrence, Kingston, Ottawa?

A. Yes.

Q. Was that document prepared by yourself?

A. Yes.

Q. It is in accordance with the minutes. I would like to file this document as Exhibit 818.

---EXHIBIT NO. 818: Minutes of the meetings of the general annual assemblies of the Corporation for the years 1960, 1961 and 1962 including attendance records.

Q. Does your Corporation have auditors in its employ?

A. Yes, ever since the establishment of the Corporation.

Q. Are they hired by the general annual meeting?

A. Yes, they are.

Q. Could you please give us their names?

A. It is Prevost and Lavoie, the firm of Prevost and Lavoie.

Q. They audit the financial statements

French

given to the members at the general annual assembly?

A. They are handed in advance so the pilots will be prepared to discuss the balance sheet and approve of it at the general annual meeting.

Q. I would like to draw your attention upon By-Law No. 2 of the Corporation. Could you please explain briefly to the Commission how you proceed to collect and distribute pilotage dues?

A. Well, we sent on a regular basis to the pilots a drawing account every fortnight and at the end of the year we compute the average of the turns and all the pilots who are in that average of turns, we determine the balance of money to be sent to them and the other ones who are below the average number of turns, we pay him for the number of trips performed during the year. If the average is of 85 and the pilot has 83 he is below and consequently we pay him for 83 turns according to the monetary value of the turns.

Q. I am sorry, must one be exactly in the average in order to share equally at the end of the year?

A. Yes.

Q. Not more than one turn below the average?

A. That is right, not more than one turn below the average.

Q. Does the Pilotage Authority give the pilotage dues to the Corporation?

French

A. Yes, on a regular basis.

Q. Did you give the Pilotage Authority the proxies signed by the members of the Corporation to that effect?

A. Yes.

Q. I would like to show you a document entitled a proxy and another document entitled a request for membership Corporation of the Pilots, St. Lawrence, Kinston-Ottawa -- are these documents signed by members when they become members of the Corporation?

A. Yes, those are the documents themselves.

Q. I would like to show you another document we will annex to this one entitled list of pilots indicating request to become members of the Corporation of the St. Lawrence River and Seaway Pilots and list of members of the St. Lawrence Seaway Pilots having signed proxies with the appropriate dates. I think that my colleague Mr. Brisset had asked for these documents. I wonder if an exhibit number had been reserved for that? It was 815. Perhaps we could file that document attaching to it a request for membership and a proxy for the Corporation of St. Lawrence, Kingston-Ottawa Pilots and the Corporation of St. Lawrence River and Seaway Pilots.

Q. Is your organization a member of the Federation of St. Lawrence Pilots?

A. Yes.

Q. I show you an extract certified by yourself

French

of the minutes of the

administrative meeting of the pilots of the Kingston-Ottawa area, 19th of October, 1959 asking for admission to membership in the Federation. Is that document certifiedby yourself?

A. Yes.

Q. I show you also what is entitled list of members of the Federation, 1960, 1961 and 1962. Was this prepared by you and does it show the list of delegates to the Federationfor those three years in question?

A. Yes.

MR. LALONDE: I wish to file these documents as Exhibit 819.

THE CHAIRMAN: Would you give a description of them?

MR. LALONDE: Minutes of the meeting of the administrators, Board of the Corporation of Pilots, Kingston-Ottawa asking for membership in the Federation of St. Lawrence Pilots, 19th of October, 1959 and list of delegate members of the Federation, 1960, 1961 and 1962.

---EXHIBIT NO. 819: Minutes of the meeting of the administrators, Board of the Corporation of Pilots, Kingston-Ottawa asking for membership in the Federation of St. Lawrence Pilots, 19th of October, 1959 and list of delegate members of the Federation, 1960, 1961 and 1962.

French

Q. I show you also a document indicating expenses, evidentally identical to what was produced for the Montreal Harbour Pilots. Is this the formula for the indication of expenses drawn up by administrators when they submit an account to the Corporation?

A. Absolutely the same thing, yes.

MR. LALONDE: Your lordship, I wish to produce this. It is identical to the Montreal Harbour. Are you satisfied with what has already been produced for the Montreal Harbour Pilots?

THE CHAIRMAN: You say it is identical?

MR. LALONDE: Yes, your lordship, it has been confirmed and it is identical to what was produced for the Montreal Harbour Pilots, the same thing.

Q. During the year are they fixed amounts that you pay bimonthly or do you pay first of all -- what do you pay every fortnight?

A. Every fortnight we make a payment of an identical amount to all pilots.

Q. To whom is this amount given?

A. By the Bureau of Administration at the beginning of the navigation season.

Q. What happens to those who are absent for reasons of sickness or other reasons, who don't do the same number of turn as their colleagues for any reason?

A. Well, this is submitted to the Executive Board. It is submitted to the Directors and in our Corporation when a pilot misses a day we take the

French

average of turns for that day, and this is submitted right away.

Q. How much?

A. The average of turns.

Q. How are your Directors informed as to the financial aspects of the Corporation during the year?

A. Regularly at every meeting of the Board of directors.

THE CHAIRMAN: For the purposes of the record the formula for this which you mentioned just now should be filed as 776.

MR. LALONDE: I note that the pilots in this District have now sickness insurance. Is this the same as that of the pilots of Montreal?

A. Absolutely.

Q. The Harbour of Montreal?

A. Absolutely.

Q. The Corporation -- I am going to put to you a question on the Montreal pilots, Harbour pilots, they have a number of specific recommendations in the brief submitted by your Federation to this Commission and it is stated in the introduction in paragraph 5 that these recommendations, specific recommendations were submitted by mail to each one of the members asking them to indicate their agreement or disagreement in writing and reply to your request. Have you proceeded through such consultation in the District for all the Montreal Pilots?

French

A. Yes, we have done precisely what you just indicated.

Q. Did the pilots approve the recommendations that were submitted?

A. All of them approved them.

Q. Did you follow the same procedure in the case of the Corporation of St. Lawrence River and Seaway Pilots?

A. Yes.

Q. And what were the answers you got?

A. They were unanimous.

Q. Are you familiar with the work -- were you in the employment of the Corporation . . . (end of interpretation) . . .

A. Well, there was no Corporation at that time.

Q. Were you in the employment of the St. Lawrence Kingston-Ottawa pilots in 1955?

A. Yes.

Q. What was the group that was organized at that time?

A. It was the Association of the St. Lawrence, Kingston-Ottawa.

Q. And this Association, was it incorporated or was it a society? Do you know what it was exactly?

A. I couldn't tell you. I think it was an Association.

Q. Was there a stoppage of work in 1955?

A. Yes.

French

Q. Are you aware of the circumstances which led to the stoppage of work?

A. Yes.

Q. What were the reasons for the stoppage of work at that time?

A. At the beginning of the navigation season the pilots voted or elected a Committee, the Chairman at that time was Mr. J.C. Marchand -- the Committee had been elected with concrete specific aim in thatyear. It was to obtain from the D.O.T. . . (end of interpreted answer).

Q. Wait a minute, you say you wanted compulsory payment for pilotage dues?

BB2 A. That is right, and during the year the Committee proceeded to obtain the services of an office of lawyers and the work began in Ottawa.

Q. You say equated or guided?

A. Guided. There was correspondence, considerable promises that the matter would be fully considered, but nothing was actually done, and when we got to the month of August the Committee asked that -- they had a very specific terms of reference, wrote to the members asking the members what shall be done. They have been elected to obtain this and in Ottawa we still get the same answer saying we are going to study this and take it into consideration so the pilots decided to meet the Committee and they said we will study together the means which are necessary to obtain this and then with the Committee having worked on

French

this they decided that the best means was to fix, I remember the date, the 16th of October, fix on that date a general assembly of all the pilots at that meeting. It was convened, the Minister of Transport and the various representatives of the Shipping Federation, in order to come together with the pilots on the 16th of October to find out the reasons for which we never got what we were asking for. On the 16th of October the pilots met together, the people of the Authorities came and on that Sunday we got a telegram from the Minister that time saying he was off on a trip and that he had sent a telegram with beautiful sentences to tell the pilots, saying that fruitful work would be attempted and the pilots were asking in what way they should proceed. This didn't calm their feelings. The legal adviser got in touch with the authorities of the Shipping Federation at that time Mr. Boyle who was President and Captain Matheson, Captain Slocombe came to meet the pilots. Each one made a speech. Everyone was very nice towards the pilots. The Minister was still in Calgary and it was decided that the pilots would takeup their work again and wait for the Minister.

During this time Captain Slocombe had sent a telegram and at that time Mr. Boyle and Captain Matheson promised to the pilots that if they were to go back to work they would personally undertake to meet the Minister of Transport as soon as he would be back from Calgary. He personally undertook to meet with the Committee of St. Lawrence, Kingston-Ottawa.

French

The pilots necessarily were rather sceptical after a long wait to get this answer of the Minister as to the exact date they went off. We received a telegram from the Minister saying he would be back in so many days and his executive secretary promised that he would receive the Committee as well as the Authority to the Shipping Federation.

With this affirmation Mr. Boyle and Captain Matheson came back the next day to learn of the decision of the pilots who had decided on their request to go back to work and assured the Committee would meet the Minister and this happened and the pilot had met the authorities, met the authorities of the Shipping Committee and that was that.

Q. Are you aware of the steps or the pressures of certain persons in the Department of Transport with a view to bringing the pilots between Kingston and Montreal and your system of civil service?

A. In 1958, three years after our official meeting the authorities of the Department of Transport proposed to the pilots a plan on civil service lines, civil service plan with figures which had been drawn up by employees of the Civil Service to give a salary to the pilots of $5,730 a year. Nevertheless there was another amount which we call overtime pay, the amount of the overtime, for the overtime would have been $2,140. This would make a total of $8,798 counting overtime. It was based on $5,730. The Committee accepted the plan immediately and communicated with the

French pilots in a general special assembly.

Q. You said the Committee accepted?

A. Well, they didn't accept it. They received a plan and it was put in the special general meeting and in this meeting we distributed the civil service plan and no pilot wanted to hear of a salary of $5,730 and the President at the time, Mr. Chartier went to Ottawa to try to obtain other explanations on the matter of these figures. He met Mr. Baxter, if I recall correctly, who was in charge of the civil service matter and it occurred to him that Mr. Baxter was very frank and honest. He said Mr. Baxter said that the basic salary was indeed $5,730 and overtime was surplus but the Government was never very interested in paying overtime. Mr. Chartier repeated all these things to the pilots' meeting and by a very considerable majority it was decided not to accept the plan. We received a letter from Mr. Norman Wilson, Director of Marine Services who was very surprised the pilots refused and to use his own words "I must say I am very much surprised in view of the generous provisions of the plan". The pilots met again and asked their administrative office to send a letter, very categorical letter asking the civil servants not to continue trying to make revisions or figures. They simply wouldn't accept anything like this.

Q. Well now, can you file for the Commission the correspondence you have just referred to as well as the document referred to. I would like to

French

file as Exhibit 820 correspondence between the Department of Transport and the pilots, Kingston, Montreal-Ottawa as regards the overall status of civil servants in 1958.

---EXHIBIT NO. 820: Correspondence between the Department of Transport and the pilots, Kingston, Montreal-Ottawa as regards the overall status of civil servants in 1958.

Q. Do you know how much the pilots were earning roughly at the time in 1958?

A. The figures I would give you wouldn't be accurate. We have the balance sheet and that will give you the real picture.

/MR/RPS

French

Q. So then you were in the employment of this group of pilots for a number of years and you had been able to follow the events which were involved with the pilots in this District since what year, roughly ?

A. 1955.

Q. 1955?

A. Yes.

Q. I will not ask you for an unbiased opinion but I would say as a person who is directly implicated or affected, if you wish, by these events if I were to ask you to analyse your experience of this group say from 1955, what would be in your opinion the main sources of difficulty in this District? How would you explain the situation yourself? What picture would you draw?

A. The problem of pilots in my District, there is no doubt that the fire, so to speak, comes from the Department of Transport and that the Department -- all we ask is taken into very serious consideration and here is where is our real problem. We write to the Department of Transport, the Department transfers it to another superior officer. The other superior officer passes on the buck to another superior officer and then the great chief replies that he is studying the matter so the pilots waits and waits and when by mere chance we arrive at an agreement at the end of the winter, I don't think to my knowledge, I don't know but it seems to me never once have we been able with the

French

Department of Transport with the Shipping Federation -- we have all accepted the same price, the tariff, I don't think that we have ever been able to put this into application during the navigation season. Always have to wait and then we get the agreement and here there is a big problem. It has to be accepted by the Governor-in-Council and then the navigation starts up again. The pilot still is not satisfied, and rightly so, and we obtain for the second and third of May, 9th or 10th while the Governor-in-Council has signed the document but it is never retroactive. It is only as of the date on which he signs it and so the pilot has again lost two weeks of salary, or remuneration on work which has been prepared for three months in the winter.

A great problem of the pilots is the dissatisfaction which lies in this.

Q. Mr. Saucier I would like to draw your attention to the document taken from your files. This is from 1958 and on examination are these the T-4 documents?

A. Yes.

Q. Could you please tell me for what amount you have there for the pilots for the year?

A. $9,935 and $10,500.

Q. Thank you Mr. Saucier.

CROSS-EXAMINATION BY MR. BRISSET:

Q. Mr. Saucier these figures of $9,000-odd

French

and $10,500 are net figures aren't they after the deduction of expenses of the Corporation?

A. Yes.

Q. Why do you give these two figures? One of $9,935 and then another figure of $10,500? Could you explain this?

A. Well what happened is that they are always on the same basis but in addition the pilot obtained his detention. If so there is a difference. Some pilots have more detentions and others have less so there you have this explanation.

MR. LALONDE: Does the same apply for movements of vessels in the period 1958? Does the same apply for the movages of ships?

THE WITNESS: Yes.

Q. Pilots at that time, according to your recollection, were not even satisfied with this income and it is undoubtedly for this reason, among others, that they decided to accept the Civil Service plan which you mentioned to us?

A. Not because we are not satisfied from the point of view of income. What I mean was they were not satisfied that all requests made to Ottawa were always being, so to speak, taken into serious consideration. That was the problem No. 1.

Q. Mr. Saucier I did not understand the figures which you gave us, unfortunately, in regard to the remuneration offered by the Department. If the pilots were to accept the Civil Service plan I have

French

a figure of $5,730 as a basic salary.

A. This is fixed for the number of hours.

Q. Have you the number of hours?

A. Yes. It is in the correspondence. It is in the plan.

Q. And for supplementary, additional time what were the figures you gave?

A. If I recall correctly $2,140.

Q. There is a third figure I have written down as a total figure $9,798. Did I understand that correctly?

A. I think that my total figure -- oh you mean the total figure of mine or that of the Department?

Q. Well the total figure you gave us, you yourself?

A. Regarding the income tax?

Q. No, regarding the offer of the Civil Service.

THE CHAIRMAN: I think it is $8,798. This is the figure that I have but it is not the total.

Q. This figure does not correspond to the two other figures you have given us.

A. Well this is a plan that is prepared by Ottawa. Perhaps there was a little mixup somewhere.

Q. At any rate, the figure was $8,798.

A. That is what I think I said. Those are not accurate figures because you have these figures yourself but I just wanted to show you the figure.

French

Q. I suppose that aside from that basic salary and the overtime, all the overtime, all the other benefits from the Civil Service were included in the offer?

A. Yes, insurance, pension fund and so forth.

Q. Now Mr. Saucier you talked to us about the stoppage of work in 1955 and of the interviews that the pilots had with the Shipping Federation and the Minister. Now I would like to ask you an additional question about this: Generally speaking what was the attitude of the Shipping Federation regarding the request made by the pilots?

A. In 1955 the Shipowners endorsed 100 per cent the whole pilot plan and they said so to the Minister to the pilots and as such to the Minister.

Q. The pilots have nothing to reproach the Shipowners?

A. Well we are still in 1955.

Q. Mr. Saucier you talked to us about a set amount which would be paid every pilot of the District belonging to the Corporation. An amount which would be paid every fortnight and this amount is a set amount for the year at the general meeting of pilots. Could you please tell us if before establishing or setting that amount a budget is prepared regarding the estimate of income and expenditure?

A. No. Every since the establishment of the Corporation, and this has been a tradition, it is

French

always the same amount of $500. However, the Board of Directors in the course of the year supervised the expenses and the income and if through chance well the income decreases, the amount would be decreased. If the collection is faster, the amount is always $500 but never more.

Q. So I understand in 1963 the amount was also $500?

A. Yes.

Q. In 1963 it was $500?

A. Yes.

Q. And up to what time?

A. Well it is $500 and has been ever since 1957.

Q. Now if in the course of this season you notice there is a surplus will there be an additional distribution?

A. During this summer we make an additional distribution. Well usually it's in the month of August we usually send $1,000 instead of $500 and at the end of the fall season, like this week, for example, at the end of November we send another $1,000 and towards the middle of December usually we send as much money as possible, well all the available. We don't keep it at the bank.

Q. You said that in 1955 there existed an Association of Pilots for your District, and of course not the Corporation at that time. It was not in existence. Was there a notarized Act of Association

French
or a deed of partnership for your Association or was it simply an Association which was based upon an oral agreement between the pilots?

A. I couldn't tell you but I think there was a notarized Act. There were official documents. I don't have them on hand myself. When I arrived the new Committee had been elected in the first place for the compulsory payment and in the second place of organizing ourselves into a Corporation immediately.

Q. In the documents of the Association you did not have at that time one document signed by all pilots which you kept, for example, in the safe?

A. No, I don't think so.

Q. You told us Mr. Saucier that the Corporation of your District was a member of the Federation. As in other Districts has every member an amount deducted every year covering the contribution to the Federation according to the appeals made by the Federation?

A. It is not according to their appeals made by the Federation. The amount claimed for the Federation is decided at a general annual meeting of the Federation and each Corporation sends at that meeting its delegate members and the member delegate represents their Corporation and together vote upon the amount which would be appropriate for the Budget of the Federation for the current fiscal year.

Q. The contribution made by your Corporation ever since the Corporation has been established

French
is shown on the balance sheet which will be filed later on?

A. Yes.

Q. Mr. Saucier I would like you to file as well a statement which will be the following: a document indicating the number of turns of pilot George N. Downey to November 6th 1957 or at the time the strike occurred as was the number of turns on the last list prepared. And in the second place the number of turns of the same pilot upon the first list prepared after the end of the stoppage of work which was dated November 21st 1957 and finally the number of turns of Pilot George N. Downey at the end of the navigation season 1957 and the number of turns of the other pilots of the District who have performed the average of turns that year and could you please file that document?

MR. LALONDE: Your lordship don't you think this document would be in the hands of the Pilotage Authority rather than in the hands of the witness?

THE WITNESS: It is possible.

MR. LALONDE: Well this goes back to 1957. Do you receive an assignment list during the season, a list of the turns during the season?

MR. BRISSET: I was under the impression that this assignment list was given every day to the Corporation of the District.

THE WITNESS: Well this is an assignment list to adjust the work or the turns. This is established

French

CC2

by employees.

English

MR. JACQUES: I might state as far as I know the record for the Cornwall District for 1959, we might be able to get this information from Mr. Melanson here in Montreal my lord and it might be easier for all parties concerned if we were to ask Mr. Melanson to bring with him his list.

THE CHAIRMAN: And he may be examined on that.

MR. JACQUES: Yes.

THE CHAIRMAN: So will you see that Mr. Melanson is available with this information so that he can give information on that?

MR. JACQUES: Yes my lord.

THE CHAIRMAN: Could you have him tomorrow morning here? We might as well dispose of that while we are at it.

MR. JACQUES: Well we will try to get him up tomorrow morning.

French

(THROUGH THE INTERPRETER.)

Q. May it please the Commission just the same I would like to see filed the following information: the number of turns of Pilot Downey used for final distribution purposes for the year 1957 were used by the Corporation and later the amount that was paid to him and also the number of turns which were used in order to establish the average of other pilots for the same year, 1957.

THE CHAIRMAN: So this document will be

French
filed as Exhibit 821.

MR. BRISSET: To Exhibit 821 the information supplied by Mr. Melanson will be added. Information that we requested previously.

Q. Mr. Saucier you told us that the pilots, the Directors who are attending a meeting have been receiving ever since this year, if I understood you properly, $15 for every meeting whether it is held in winter or summer?

A. Yes.

Q. Before this year this $15 was allocated only in winter?

A. No. This amount was always set, $15. In other years when there were more troubles, when there were more incidents or meetings, the amount was slightly higher but it was always proposed and accepted at the general annual assembly.

Q. Now during the navigation season one turn is also allocated to a Director who goes to a meeting?

A. Yes.

Q. Could you please file as Exhibit 822 a list of turns allocated to the Directors of the Corporation ever since 1957 and 1958 if the first year is 1958, the first year where these turns have been allocated?

MR. LALONDE: At the first meeting in Ottawa I thought that the Commission was only interested in going back five years. If we are going back to 1958,

French

I think it would be sufficient, unless my colleague insists to have the year 1957.

MR. BRISSET: Well then it is ruled that it will be starting 1958.

Q. Generally speaking Mr. Saucier what is the value of a turn in your District at the present time? Well for last year?

A. $134 I think for last year but I couldn't tell you exactly. I am just giving you round figures.

Q. Around $134?

A. Yes, I think so.

EXHIBIT 822: List of turns allocated to Directors since 1958.

DIRECT EXAMINATION BY MR. LANGLOIS:

Q. Mr. Saucier one question. When you talked about the offer which was made in 1958 so that the pilots would become civil servants, you said that the amount given as suggested remuneration included the pension fund and other benefits, other fringe benefits. This was in accordance with the contribution of the pilots?

A. Well this was the general plan of the civil service.

Q. Thank you.

CROSS-EXAMINATION BY MR. JACQUES:

Q. Was it the Civil Service as such or

French
prevailing rate employee?

A. It was the plan.

Q. How do you establish the monetary value of a turn or would the accountant be in a better position?

A. The accountant can do that. We receive a number of turns which is the same as for the Corporation, for the Montreal Harbour, we receive a gross amount. We divide that by the number of turns performed and then we add up all the expenses of the Corporation and we subtract and obtain the net value of the turn of the pilot.

Q. Now when you talk about the adjustment made at the end of the year, you told us that if a pilot was more than one turn below the average, you deducted the monetary value of one turn. Is that it?

A. No. If he is one turn below the average, then we add up all the turns he has performed and we would pay him for the turns performed.

Q. You pay him on what basis?

A. According to the monetary value of the turn.

Q. And is that the gross monetary value or net?

A. Net.

Q. The financial statement that you send the Directors at the meeting, are they sent at the same time as the notice of the meeting?

A. No, because the notice of a meeting

French

depends upon the year the meeting is going to be held. We don't have enough time to prepare that year during the winter season that we send the financial -- final report.

Q. Is it following the meeting or is it given at the meeting itself?

A. No, not at the meeting but after the meeting because our meetings are always held sometimes at the end of December or beginning of January so we don't have the time at our disposal to prepare this report.

Q. Let us take, for example, financial reports for the fiscalyear ending in 1962. When were these sent?

A. Well we end our fiscal year 1962 always on the last day of February of the next year.

Q. So you end your fiscal year on February 28th 1963 and so when did you send them to the pilots?

A. Well they are sent usually during the summer or fall.

Q. And at the general annual assembly for the year 1962 ending February 28th 1963 when was it held?

A. The balance sheet will be accepted the next month for the year 1962.

Q. So the general annual assembly of the year 1962 has not been held as yet?

A. Yes, and then we have accepted the

French
balance sheet of 1961.

Q. So you are always one year late?

MR. LALONDE: I am sorry. The witness just finished saying it ended on February 28th 1962 so the fiscal year is 10 months and one year and two years as the witness has said. The balance sheets or the financial statements are sent during the summer and are ratified at the general annual meeting.

Q. 1962, the fiscal year ends on February 28th 1963?

A. Yes.

Q. The general annual assembly for your fiscal year ending February 28th 1963 was held when?

A. Well it will be held next month.

Q. So it has not been held yet?

A. You asked me for the fiscal year.

Q. No, I asked about the general annual meeting.

A. Well the annual general meeting or assembly of our Corporation is always held in January, so in January we see to it that the financial statement for the preceding year is accepted.

Q. So in January 1962 you hold a general annual assembly?

A. Yes.

Q. During which you approve the balance sheet for the fiscal year ending February 27th 1961?

A. No. 1962. Yes, you are right. We are always one year late.

French

Q. That is what I said but your counsel did not want to accept that.

MR. LALONDE: When is your next meeting being held?

THE WITNESS: In December.

MR. LALONDE: On what date?

THE WITNESS: December 17th.

MR. LALONDE: And your fiscal year ends when?

THE WITNESS: On 28th February.

MR. LANGLOIS: Your lordship, in order to complete a point that has been raised by Mr. Jacques, Exhibit 820 indicates that this is a plan of the Civil Service and not of prevailing rate employees. This is the civil service plan.

B/RPS

DIRECT EXAMINATION BY MR. LALONDE:

Q. I have noticed in Bill No. 9 I think that there is the establishment of a reserve fund and that has already been mentioned at the examination of Mr. Perusse. Is that fund, reserve fund in existence?

A. No, it no longer exists.

Q. In the second place the amounts having been put into the reserve fund, what were they used for?

A. To pay for the lawyers' fees -- they were reserves established to organize the Upper St. Lawrence Pilots' Corporation. We had to prepare an entirely new Corporation, and at any rate the owner of that money comes from the new pilots who are new members of the Corporation of the Upper St. Lawrence and consequently that money was used in the organization of a Corporation.

Q. I am sorry, the By-Law I was referring to was 7, not 9. Ever since 1955 according to your knowledge was there ever anything that might have been established as a strike fund in your District?

A. Never.

Q. The pilot who asked in 1958 to withdraw from the Corporation was Pilot Downey?

A. Yes.

Q. Did you ever have any request of the same manner as such?

A. No.

Q. Did Pilot Downey make any request since 1958?

French

Q. In the third place does Pilot Downey go regularly to the meeting?

A. Yes.

Q. Does he take part in them?

A. Yes.

Q. Could Pilot Downey be considered within the Corporation as being a dissident member of the Corporation at the present time?

A. Far from it.

Q. When the pilots refused the Civil Service plan in 1958, was it a question of wages?

A. Naturally it was a question of wages, and there was the status as a pilot allowed them to keep their freedom and allows them to receive higher remuneration and to keep within the framework of a professional organization.

MR. LALONDE: Thank you, Mr. Saucier.

THE CHAIRMAN: Are there any further questions?

MR. LALONDE: I am sorry, one question. I think in answer to my colleague, Mr. Jacques, am I to understand that a pilot who is one below the average is reimbursed only the turns he has performed, is it not rather that any pilot who has more than one turn below the average is then paid for the turns performed?

THE WITNESS: Yes, that is it.

MR. LALONDE: Thank you. The one above the average -- ?

THE WITNESS: He is paid for the average only.

THE CHAIRMAN: We are going to have a short recess.

---A SHORT RECESS.

---FOLLOWING THE SHORT RECESS:

CONTINUATION OF DIRECT EXAMINATION BY MR. LALONDE:

MR. LALONDE: Q. Is there any pension fund for the pilots in the District of Cornwall?

A. No.

Q. The answer is no.

MR. JACQUES: Except for the insurance you mentioned are there other benefits other than this?

THE WITNESS: No, just the policies for insurance, that is solely life and hospital and salary insurance.

MR. JACQUES: This is the only social type of insurance you have for the pilots.

MR. LALONDE: The expenses are paid exclusively by the pilots?

THE WITNESS: Yes.

MR. LALONDE: Mr. Larose.

JACQUES LAROSE, Recalled

CONTINUATION OF DIRECT EXAMINATION BY MR. LALONDE:

Q. Mr. Larose in your last testimony you had stated what your tasks were and so on.

A. 33 years of age, chartered accountant.

Q. Your work for the company?

French

A. Yes.

Q. Since when have you been the bookkeeper for the Kingston St. Lawrence Ottawa area which is now the Corporation of St. Lawrence Seaway Pilots?

A. Since 1956.

Q. I show you financial statements for the years expiring 28th February, 1961; 28th February, 1962 and 28th February, 1963. Are these the financial statements drawn up by your firm, by your office for the Corporation of the St. Lawrence River and Seaway Pilots?

A. Yes.

MR. LALONDE: I would like to file this as Exhibit 823 -- is that correct my lord? 823.

---EXHIBIT NO. 823: Financial statements for the year expiring 28th February, 1961; 28th February, 1962; 28th of February, 1963 for the Corporation of the St. Lawrence River and Seaway Pilots.

Q. How do you proceed to the bookkeeping, checking of this Corporation?

A. The Corporation of St. Lawrence River and Seaway Pilots has detailed auditing. This auditing is not completely detailed. Could you give us some indication?

Q. Could you give us some indication?

A. Here is our manner of procedure: first there is the balance with the bank statements of the

French

previous year, with the expenditures.

Q. Would you mind speaking more slowly, because the interpreter is trying to follow.

A. Yes. In the expenditures we make amounts of cheques with the bank accounts and we have the cheques of this amount, and the signatures of the cheques to see if the signatures are correct. We have the distribution of these cheques under expenditures and we have also the errors, if any which may have been made regarding bank accounts. We have the balance for the additions, for the cashings and also under expenditures, and we also have verifications of postings in a general sense. We also have bank assignments and we have confirmations made of the bank balance at the end of the year. We make an audit in a general way as well as auditing all the postings. We have an analysis made of the vouchers as well as the bank accounts at the end of the year. We have an analysis made of the expenditures in collaboration with the question of distributions of balance and the pooling. We also have confirmations made of the balance remaining to be used.

Q. What you really mean -- would you tell the Commission have you been able to obtain from the Secretary of the Corporation all the documents which you require for the purpose of your analysis?

A. Yes, we obtain from the Secretary-Treasurer everything we ask for as well as all the information we needed.

French

Q. Could you tell the Commission whether during the years in which you were auditor, bookkeeper, if you were aware of any errors or undue application of funds?

A. No, there was nothing of this nature during those years.

Q. I exhibit to you a report for the year expired 28th of February, 1961, and I draw your attention to the expenditures for this financial year. Now, this is the money spent for the season 1960, I suppose. How do you proceed to do the auditing of this?

A. Well, after cashing we receive from the Department from the 1960, the amount indicated here -- this was confronted with what the Department indicated.

Q. You have an item here received from the Department for the season 1960?

A. These are the accounts receivable at the end of the year 1960. That is to say the end of the fiscal year of 1960 which was not received and which was cashed.

Q. During 1961, I suppose '62-'61?

A. Yes.

Q. Money received from the Federation for one turn, Shipping Federation. Is this money received from the Shipping Federation?

A. No, I don't believe that this is money received from the Federation. I think there was a turn missing and the Federation simply reimbursed here.

French

Q. Well, to your knowledge and based on previous financial statements do you know what is the practice as regards the work done by the administrators for the Federation of St. Lawrence Pilots? Does this appear in other statements?

A. Yes.

Q. At all events this item is really $80, is the value of a turn in that year or what?

A. No.

Q. Not for that year?

A. No.

Q. We have refrigerator, push-cart and so on. What is all this?

A. Well the push-cart -- there was a refrigerator which was sold in the year 1961, and this was so indicated.

Q. This push-cart, is that one that you had already been using -- in all events it was used by the pilots ?

A. Yes.

Q. And the refrigerator was for the Corporation, I suppose?

A. Yes.

Q. Expenditures, now you have administrative expenses, 1959 paid?

A. Yes.

Q. Detentions, reimbursements, insurance, pooling?

A. These are items which haven't been paid

French

during the year 1959 and they remain to be paid on the 28th of February, 1960.

Q. You have another item entitled expenses, 1960 paid and here you have insurance, Federation, Guild, detentions, expenditures which are reimbursable.

A. These are the expenditures as well as the money which was received for the year 1960. There was administration expenses which come from the pilot.

Q. Now, there is an gift to H.P. Lawless?

A. H.P. Lawless was unable to work and each pilot contributed an amount of $5 which was deducted from their bimonthly amounts.

Q. Was he a pilot, Mr. Lawless?

A. Yes. This amount of $5 was a deduction from the pilots.

Q. Now, do you know if all the pilots accepted this $5 deduction from their income?

A. To my knowledge not all of them. There were a few that were in disagreement.

Q. Do you know if the reimbursement plan policy was deducted only from those who had consented to the deduction or if everyone was involved?

A. No, only those who had agreed to this deduction.

Q. We have a calculation of the value of the turn, sixty -- you will correct me if I am wrong, but it seems to me that this is the same technique as that which was used in the Montreal Harbour that you were explaining at the beginning of the hearing?

French

A. Yes.

Q. And then we have B, this is called for reserve for administrative expenses. Can you explain this document?

A. Yes. In the first years of the Corporation there had been created a reserve fund for these administrative expenses, for administrative expenses in the winter seasons and instead of decreasing the distribution for the pilots we simply had a fund which served to carry the winter, the various expenses.

Q. Well now, we have then this balance for the 24th of February, 1960 plus a certain amount, $4,600 less a certain number of amounts including fees, amounts not taken, is this true?

A. These are contributions of special pilots. In 1956 the Corporation charged membership dues, not to the Corporation -- these are sums not paid which are indicated in this manner. The Audit Bureau had decided to take these off the reserve in 1961.

Q. There is a difference in the turns for the season, 1959, $900 -- what is that?

A. The calculation of the value of the turns was made by the management and we had -- they had several items in this connection and when we made an audit we discovered there was some differences in the turns and you have the same thing here for the figure of amounts to be distributed.

DD2

Q. $206?

French

A. Yes, and this $206 came from the difference, for example between where you have the previous item and the value of the turn, for example at $211. This is to show the difference between these values.

Q. Well now you have the 28th of February, 1961, $1,906?

A. Yes.

Q. Just for the funds for the new pilots -- 29th, February, 1960 -- there is an amount here which is already assigned for the new pilots, and this is from your total of $10,000 and shows the amount approved against the administrative costs, $5,500. Would you know what this was at the time, what this involved, this $5,500?

A. This $5,500 came from the expenditures which have been made in the year 1960.

Q. Expenses for administration of the Corporation?

A. This was legal expenses -- the legal fees were included in it.

Q. If we take now a financial statement for the fiscal year ended February 28th, 1962, I notice in the distribution of expenditures for the year 1961 the section indicated under administration costs, 50 per cent for each section. The same type applies for the expenses of Directors and for the administration costs -- I am sorry, for expenses of Directors. Could you please explain to the Commission what is the nature

French

of that document entitled schedule C?

A. In 1961 we had two sections in one Corporation, that is the Upper and Lower, you have the Lower one which was in the District of Montreal-Cornwall and the Upper was the Ottawa-Kingston up until January 12th, 1962.

Q. Yes?

A. The expenses have been distributed 50/50 for each section but this had been accomplished on January 12th, 1962 and each one was taking care of their own expenses.

Q. You mean that on January 12th two different Corporations were established?

A. Yes, but we consider that at the end of the year this section as being part and parcel of the Corporation of the St. Lawrence River and Seaway Pilots.

Q. I notice that you have a second item entitled expenses from January 12th to 28th February, 1962 which includes two different categories, one entitled section of the Lower and the other one the Upper section, and starting at that point you have held the course of each Corporation separately?

A. Yes.

Q. Do you have a reserve fund for bad debts or non-reimbursable debts?

A. No, we have no reserves but there are certain bad debts that have been written off from the books inthe following way, an account receivable

French
has been paid as well as the expenditure which has also been written off.

Q. The amounts which have been written off could you tell us the amounts and could you indicate to the Commission for what years you have these amounts?

A. The amounts that have been passed to bankruptcy and distributed to pilots in 1959 we have $3,226.21; in 1960, $589.02; in 1961 $163.45 and in 1962 $166.10.

Q. So those pilots paid dues which weren't paid were bad debts?

A. Well, these amounts are still in the books at the D.O.T.

Q. Finally I look at the financial statement for the year ending February 28th, 1963 that you are using for receipts and expenditures. Do you use exactly the same procedure as for the previous finance statements?

A. Yes.

Q. In that document you have nothing with regards the Corporation of the Upper St. Lawrence Pilots?

A. On that one no, nothing.

MR. LALONDE: No.

CROSS-EXAMINATION BY MR. BRISSET:

Q. Mr. Larose, you are aware in 1959 there was a new By-Law which was adopted by the Corporation

French setting what is called the initiation fee for the members of the Corporation who became pilots within the District?

A. Yes.

Q. Could you please, according to your financial statements tell me what is the amount deducted from the income of pilots, the new pilots each year ever since 1959?

A. In 1959 there was $6,250; in 1960 $8,000; in 1961 $8,000 and in 1962 in the Corporation of Upper St. Lawrence, $1,000.

Q. There was none in 1962 in the Corporation of St. Lawrence Seaway Pilots?

A. No. When I speak about the year 1962 I am talking about the navigation season of 1962 which for our purposes, our financial year ending February, 1963.

Q. Your financial statements cover the fiscal year which starts on March 1st and ends on the 28th of February of the following year?

A. Yes, that is correct.

Q. So the figures that you have given us regarding the initiation fees cover the fiscal years?

A. Yes.

Q. When you have $8,000 in 1961 this means $8,000 during the fiscal year starting from March 1st, 1960 -- rather the the first of March, 1961 to February 28, 1962; is that correct?

MR. LALONDE: The answer is yes.

MR. BRISSET: You have to speak viva voce. Mr. Larose, you have before you a copy of your financial statement. Could you please refer to the financial statements for the year starting March 1st, 1960 until February 28th, 1961?

A. Yes.

Q. Could you please refer to schedule B, that is receipts of expenditures. I would like to establish with you the statement of the administration expenses, insurance and so forth, expenditures deducted from the gross income of pilots during that fiscal year to reach a total for these expenditures. Under the heading administration costs it would appear to be a figure of $14,511.26?

A. I think that you want to refer to schedule C, the amount we had taken on Exhibit C as compared to what is on Exhibit B.

Q. No, I refer to statement B which is a statement of receipts and expenditures, income and expenditures for the fiscal year ending on February 28th, 1961. The first item is item administration costs, $14,511.26.

A. Yes?

MR/RPS

French

Q. This general administration cost includes salary for the Secretary, legal fees and so forth?

A. Yes.

Q. The second item would be the item insurance $20,450.28. The third item would be the Federation $8,210 and the fourth item would be the Guild $2,748. The following item would be reimbursable expenses $15,770.87. Is that correct?

A. Yes.

Q. The following item would be the gift to H.P. Lawless $300?

A. Yes.

Q. Are there other items to be added which would be included under the heading expenditures incurred as being deducted from the gross earnings of pilots and which would not represent deductions from all amounts, salary paid to pilots for detention time, and so forth.

A. Well are you referring to any item of income and expenditure? Now you do not include therein the accounts payable. This financial statement of income and expenditure represents only the income and expenditures made in the course of that period of time but these are not the expenditures which were incurred in that year. You will find the real expenditures for that year, you will find them in Exhibit C, those are the real expenses, whether they are paid or not or if you want to see the expenditures for that

French

year you may take, under expenditures $14,117.84 plus the Federation $8,210 the Canadian Merchant Guild $2,748 and the insurance $22,280.26. Those are the expenditures of the pilots.

Q. I think that our task would be facilitated if instead of going through a cross-examination you would prepare for us a statement of expenditures which have actually been incurred and paid for for the year 1960, that is during the fiscal year March 1st 1960 to 28th February 1961 which are deducted from the gross earnings of the District so we may have a figure , an accurate figure. Would you be able to prepare that for tomorrow morning?

MR. LALONDE: I am not an accountant but I did not understand exactly what my colleague would like. I would like to find out in case I want to object.

Q. I am not an accountant either but I reached a figure of $63,537.32 as representing the expenditures of the Corporation during the fiscal year for that year. Do you accept my figure? My total, or would you like to have the opportunity of revising that?

A. I do not accept your figure.

Q. So if you do not accept my figure would you please prepare a statement I asked you for for tomorrow morning?

A. Agreed.

Q. Now let us go on to the fiscal year,

French

the following year that is for March 1st 1961 to February 28th 1962. Could you please do the same thing here and tell me if you are in agreement with my figure of $63,001.33?

A. For the two sections?

Q. Yes. Now for the following year, that is for the fiscal year starting March 1st 1962 to February 28th 1963 could you please also do the same work there and check if my figure of $43,684.45 is accurate?

A. Yes.

Q. Naturally the net expenditure includes insurance, fees to the Guild, fees to the Federation and the Directors' expenses and other general expenses?

A. Everything that does not go to the pilots directly, that is correct.

Q. Would you please now give me the total for the initiation fees collected in the course of the three abovementioned years?

A. $23,250.

Q. Were these amounts collected on the basis of $500 per year for the pilots concerned in accordance with the By-Law?

A. Yes. For the majority, yes. While there were a few such as Pilot. There was one pilot. His fees for the first year were $250 and as he died subsequently, there were no further fees or contributions from him.

French

Q. Could you please tell us now how this total amount of $23,250 was used?

A. In 1959 $4,250 was used for the administration costs of that year and 1961 $5,500 of that amount was taken to pay for the administration cost of the season of 1960 and in 1963, that is for the 1962 navigation season, I am sorry it is not 1963 but 1962 rather, $12,500 were used to start and pay for legal fees to the amount of $9,680 which were used also to pay for the turns in the Lower St. Lawrence section for 1960 and also to pay for the expenses for the President and this gives you the total amount of $12,500.

Q. Is it a fact that the total funds of the initiation fees is completely depleted?

A. Yes.

Q. In preparing the statements that I asked you for indicating the expenditures in each year, could you please take into account the amounts which were withdrawn from the special fund resulting from initiation fund?

A. As a total perhaps it would not represent the exact figure of the accurate figure for the expenses of the Corporation.

MR. LALONDE: It seems that my colleague is asking for two things that contradict each other. He is asking for a statement of expenses of the Corporation and at the same time to indicate a breakdown of these amounts. I don't think that dollars have figures

French

on their backs.

THE CHAIRMAN: It was said because the special fund was used to pay an expenditure.

Q. To give an example, you told us that last year I think an amount of $980 was used from the initiation fees in order to pay for the President's expenses. The President's expenses having been paid with the money in that fund, I am not sure but if I understand your financial statements, these expenses are not shown in the expenditures for the Corporation for that year?

A. Yes, they are shown as expenditure but if you look at schedule C, or Exhibit C in 1962, Exhibit C, you see that there were deducted from total expenditures, for example, by item A you have a net administration cost of $8,154.13 which are the expenditures of the Corporation less the reserve fund of $517.25 and the expenses of the Corporation at $8,154 and we don't have to look after the amounts which are taken from the reserve fund to pay for the expenditures of the year.

Q. The reason why I referred you to the President's expenses was that unless during the short time at my disposal I missed the entry, I did not see any change or any item taken from the funds of that year?

A. Yes, it is indeed. You have $300-odd less the President's expenses.

Q. Now if the statement for expenditures

French
that you are going to prepare include also the expenditures that may have been paid with the initiation fee's money, naturally it won't be necessary to repeat that a second time. I notice in the fiscal year ending February 28th 1963 an item which is shown on Exhibit C and which reads as follows:

> As a deduction of the income for the District, personal expenses $11,592.10.

Could you please explain the nature of these expenses?

A. Well these personal expenses are expenses that can be reimbursed and have been reimbursed by the D.O.T. and this was given by the D.O.T. to our Corporation and it has been divided among the pilots concerned.

Q. In other words this item represents income to cover the expenses for travelling expenses for pilots?

A. Yes.

Q. And are those expenses put into the common pool in order to be distributed to the pilot or are they paid to the pilots who have directly incurred the expenses?

A. They are paid directly to the pilots who have incurred the expenses.

Q. And what is the voucher which allows you to calculate the real expense of the pilot?

A. On the bill of the Department this voucher is shown and the same thing applies to detention

French

time.

Q. So everywhere we see in your financial statements the words "personal expenses" this has to do with the same type of income?

A. Yes.

Q. Now could you please tell us what were, according to your studies or according to your studies or according to your examination of the financial statements what was the value of turns for the years 1960, 1961 and 1962?

A. According to my financial statements?

Q. Yes?

A. In 1961 this value was $111.50.

Q. You mean for the year 1960?

A. For the navigation season 1960. For 1961 this value was $139.39 and for 1962 this value was $154.08. This is the net value of a turn.

Q. So when you are talking about a net value you mean, naturally, the value determined after the deduction of expenses of the Corporation?

A. After the expenses of the Corporation, with the exception of insurance and also fees. I mean fees to the Federation and the Guild.

Q. In other words, you determine the net value of a turn taking into account only the general administration costs, such as the salary of the Secretary, legal fees, accountants' fees and so forth?

A. Yes, because in fact the fees and insurance are a fixed amount per pilot and not in

French

accordance with the number of trips performed.

CROSS-EXAMINATION BY MR. JACQUES:

Q. In the years 1961 and 1962 the reserve fund also was used to pay expenditures. Is that correct?

A. Yes.

Q. If we calculate the net value of a turn, did you take into account the expenditures before or after having deducted part of the reserve fund which was used for the payment of expenses?

A. After having deducted part from the reserve fund.

Q. In fact this reserve fund was used to decrease the amount of expenses and in reducing the difference between the gross amount and the net value of the turn?

A. Yes.

Q. Is there a reserve fund still at the present time?

A. No.

Q. You do not have a single cent in that fund?

A. No.

THE CHAIRMAN: The By-Laws regarding the initiation fees still exist. Consequently, whenever there are no pilots other amounts will naturally go into that fund. It still exists although it is depleted?

French

THE WITNESS: Yes.

EE2 THE CHAIRMAN: It has not been cancelled. We are going to adjourn now until ten o'clock tomorrow morning.

MR. JACQUES: I think this witness will have to come back for Mr. Brisset.

MR. LALONDE: If my colleague agrees, perhaps the witness could come back when we are going to examine the Upper St. Lawrence Corporation. Unless it creates any trouble in the record.

THE CHAIRMAN: No, no trouble at all.

---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M., FRIDAY, THE 29th DAY OF NOVEMBER, 1963.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL

P. Q.

VOLUME No.:

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held at Montreal, Quebec, on Friday, the 29th day of November, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A Renwick, Esq.	Member

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset	for the Shipping Federation of Canada
Mr. C. Mason	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid-St Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St Lawrence Pilots.

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SP ENGLISH

UPON COMMENCING AT 10:00 a.m.

MR. JACQUES: My lord, with reference to the request for tour de role lists for 1957, I am advised by the local supervisor that he no longer has the record for 1957. It has been destroyed. His records start in 1958.

THE CHAIRMAN: I wonder whether there will be any record in Ottawa?

MR. JACQUES: No, it appears not.

THE CHAIRMAN: Unless Mr. Melanson recalls the case---

MR. JACQUES: Mr. Melanson is available if we can hear him first.

THE CHAIRMAN: Of course, there is the pilot concerned also who may shed some light.

MR. JACQUES: Mr. Downey.

THE CHAIRMAN: So, therefore, we are not going to hear Mr. Melanson because he has no evidence to furnish on the matter.

MR. JACQUES: Yes my lord.

MR. LALONDE: Captain Davis please.

THOMAS LEONARD DAVIS, sworn

THE SECRETARY: Occupation?

THE WITNESS: Mariner and pilot, Kingston District.

ENGLISH

DIRECT EXAMINATION BY MR. LALONDE:

Q. Q. Captain Davis in which District are you a pilot?

A. Number 1.

Q. Which is called in Canada the Kingston District?

A. That is right sir.

Q. How long have you been a pilot in that District?

A. My licence was issued in 1934 -- wait a minute -- the examination was in 1934. The pilot's licence was issued in January 1935.

Q. What is your age?

A. Sixty.

Q. So you had a licence in the Kingston District since 1935?

A. That is right.

Q. What is your Maritime experience?

A. 1921 I commenced sailing. 1926 I passed my examination for Chief Officer Inland. In 1927, Chief Officer Coastal. In 1928 Master Inland. In 1929 Master Coastal. In 1935 Pilot's Licence. In April 1929 I was Master on a ship. I was changed from that ship in 1947.

Q. What ship was that?

A. That was the John H. Price.

Q. Which Company?

A. Hull Corporation of Canada. In 1948 I went Master for the Hull Company on the South Cliff Hall.

ENGLISH

In 1953, the completion of the season, I stopped. In 1954 I went pilot.

Q. In 1954 you became a full-time licenced pilot in the St. Lawrence-Kingston-Ottawa District?

A. That is right sir.

Q. Did you remain on the same ship for roughly 20 years you mentioned?

A. I was 19 years a Master on the John H. Price and six years on the South Cliff Hall.

Q. Were you doing your own piloting at the time?

A. That is right sir.

Q. Did you take pilots occasionally? I mean licenced pilots of the District?

A. In certain sections where the policy of the company was not otherwise.

Q. What was the policy of the company?

A. Well the policy of the company was that the Master with or without the assistance of his officers would do the piloting above Montreal and below Quebec City. Now that did not come into effect until about 1935 -- 1934 1935.

Q. What was the case before 1934 - 1935?

A. Before 1934 - 1935 the pilot was taken when we were westbound after loading down the St. Lawrence and you were going to an American Port you were taking a pilot.

Q. How did you get instructions of the company in that respect? Was that a written policy?

ENGLISH

A. It was a written policy after 1934. I could be out a year or something like that.

Q. It doesn't matter.

A. It was included in the Master's contract that he signed he would have to do the piloting above Montreal and below Quebec City as part of his work without any remuneration.

Q. Have you heard of a Master who would have acted otherwise or have you ever acted otherwise than as specified in the Contract?

A. I don't quite understand.

Q. Well was this a condition of the contract or could a Master on his own decision use or not use a licenced pilot in the District? After all, the Master is supposed to be Master aboard his ship. Was it decided by the Company or by the Master whether he could take a pilot or not?

A. You signed the contract and if you used a man, you would be liable for the cost.

Q. Of pilotage?

A. Naturally, or the ship would be and it would be deducted from your salary.

Q. Has there ever been such an experience, to your knowledge?

A. Not that I know of, no. The last time that I had anything on that I got raked over the coals for the use of a pilot.

Q. What happened in that particular case?

A. Well we had had bad weather. We were

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eastbound. We had had bad weather going down the river and I had been up a considerable length of time. When we arrived at Quebec City the weather was going to continue so I asked for a pilot from there down. I thought with the help I would receive that it would be possible we could get through. We did not get through. We had to stop eventually and the point they brought up was that with the pilot I did not succeed.

Q. Did the matter end there?

A. Yes.

Q. How big was the South Cliff Hall at the time?

A. They were all canal size, both canal sized ships because that is all that could come up and down at that time.

Q. How many tons net would that be approximately?

A. Oh the net tonnage on the PRICE was a little less than twelve hundred and the SOUTH CLIFF was a little more than twelve hundred.

Q. Where were you travelling to and from?

A. Anywhere on the Great Lakes, Gulf of St. Lawrence as far east as St. Johns Newfoundland.

Q. How many transits would you make during a season in the St. Lawrence-Kingston-Ottawa stretch?

A. That is a hard one to answer because if you were running from Fort William to Newfoundland you would not make more than 24.

Q. Transits?

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A. Transits in a year. If you were trading between Port Colborne and Montreal you would make sixty, from fifty to sixty depending on the trades you were in.

Q. Did you stay up as Master from Kingston to Montreal, or what happened?

A. That is impossible for one man to do that stretch at a time. It was too long. In the contract that was issued by the company it stated that with or without the assistance of your officers you had to do the piloting. Possibly I should clarify this a little bit. Previous to 1934 - 1935 there was a slight remuneration for west of Montreal to Lake Ontario and half the pilotage saved east of Quebec City. That went to the Master, the other half went to the company.

Q. And then 1934-1935---?

A. It was in the contract after that that there was no remuneration.

Q. To your knowledge were most companies in your situation or did the policy vary from company to company?

A. I wouldn't know the policy of other companies. I cannot state that but there were not too many companies that were running down there. I think that was the prevailing situation.

Q. Now I understand that since 1959 is it you have been piloting exclusively in what is called the Kingston District?

A. That is right. 1959 or '60. 1960 I think.

ENGLISH

Q. And would you tell the Commission what are the limits on the charts which are before you of the Kingston District? You can start by the western limits of your District which reads as follows: It is limited on the west by a line drawn from Carruthers Point light in Kingston harbour, Ontario on a true bearing of 29° through Wolfe Island south side light and extended to the shore of the State of New York. Now there are two lines that have been drawn. One is crossed over in green. The one which is not crossed is the one which indicates the actual western limits of the District on Chart Exhibit 464 which was 127°, I think it is.

ENGLISH

Is it specified indeed as Carruthers Point light only true bearings on 127° through Wolfe Island light and extended to the shore of the State of New York. I am sorry I jumped a few words. Are you called upon to pilot further west than this western limit of your District?

A. Yes, sir, if a ship, someone of the ship's officers don't hold what is called a B licence we are obliged to deliver that ship to the next District.

Q. Yes?

A. Or some port in their District where somebody will take it from there on depending on the final destination.

Q. Are you still doing this at the present time?

A. Yes, we are.

Q. How many trips on Lake Ontario did you do this year yourself?

A. I have done six this year myself.

Q. Six yourself. Would that imply taking a ship to District Number 2, that is Welland Canal?

A. Welland Canal or any harbour.

Q. Any harbour of Lake Ontario. I understand that there are also pilots attached, kind of probationary pilots attached to your District who are doing work on Lake Ontario as well?

A. That is correct, but there are not sufficient numbers of them to do all the work where it is required.

Q. How many such probationary pilots are

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there, both Canadian and American?

A. I understand there are six. I don't know how many of them are working.

Q. We will not study Lake Ontario. We will limit ourselves to the District.

A. There is only one thing I should say on that: There are many masters who hold B licences will ask for pilots.

Q. Why do they do such a thing?

A. Well, I had occasion on my last trip across the Lake, the ship I was on had two mates, they were 22 hours coming down the Welland Canal. When they arrived at Port Weller -- in these ships their officers have to be up during the canalling, and the Master said that they weren't in fit shape to take the ship across the lake, so he took a pilot. Therefore issuing of B licences to foreign masters doesn't always mean we are relieved.

Q. You were saying that the issuing of B licences doesn't always what?

A. The issuing of B licence doesn't always relieve us of the responsibility of taking these ships across Lake Ontario because of short handedness of their crews or because the Master thinks in the condition it would be better for him to have help. Therefore this takes a number of available pilots in our District below strength.

Q. I see. Do you do these trips on a tour de role basis? What I would ask, is it fair to assume that other pilots have each five or six trips like you have this year?

ENGLISH

A. Approximately. The number of trips for the registered pilots is supposed to be kept equalized, when possible. This does not relate to the probationary pilots on the lake itself.

Q. If you have a ship coming upbound who wants to have a pilot across Lake Ontario, does the same pilot remain on board?

A. No, he doesn't because he has worked from ten to sixteen hours if he has a good trip and he should be...

Q. Relieved?

A. He is relieved at Cape Vincent.

Q. Or reversing the case, if you go and get a ship at Welland Canal are you relieved when you arrive at Cape Vincent?

A. Yes. The reason we asked for that originally was the fact, human nature -- if a pilot coming one way happened to have an easy ship he would say I will take her on through therefore doubling up his turn. If it was a ship that wasn't desirable he would demand relief so we asked that it would be stabilized and that we would be relieved at that place all the time.

Q. What are the relieving points at the two ends of your District?

A. At the Eastern end it is Snell Lock.

Q. I understand you change pilots in the Lock itself?

A. In the lock itself.

Q. Each group gets the ship in the Lock?

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A. That is right. The Seaway Authority or Immigration -- I think it is the Seaway Authority, it applies to American pilots as well as Canadians, so that we must get off the ship on the north side of the Snell Lock, sign the book and get into a taxi outside the gate. If they would let us cross the Lock we would save half our distance to Cornwall, but they won't do that.

Q. What are the Western limits -- excuse me we are concerned with the Western relieving point.

A. The relieving point is somewhere off this area, off Carruthers Point.

Q. Would you make a green circle which would indicate roughly the relieving point. Yes.

A. Now, on the north side there is two -- on the north side if a ship comes in, it might be at the elevator or it might be somewhere in this area here.

Q. Which is a beam....

A. Abeam of Kingston.

Q. North of Wolfe Island, yes. So what happens there, you are relieved. You have pilot boat service at Kingston, I suppose?

A. There is one man who used to run a pilot boat service up to and including last year. He still has the boat and still puts you on board.

Q. Now, would you take the ship to the point from Lake Ontario and take that ship up to Snell Lock by using the south channel of Wolfe Island, and if you wish later on we will come back to the north channel of Wolfe Island and explain the harbour itself?

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A. Yes, sir.

Q. Would you take the ship out of your District and indicate...

THE CHAIRMAN: Before we go any further I think the witness won't have time to go that far, so we will adjourn for the judgment of the TRITONICA.

---recess.

MR. JACQUES: Before we resume, the Commission has been asked to supply a statement on the movages performed in the Harbour of Montreal without the services of a pilot and I have now this information for 1961, 1962 and 1963 to the end of October. I should like to file this document as...

THE SECRETARY: Exhibit 824, subject to checking. I believe a number has already been given.

MR. JACQUES: Yes, my lord. The number was given and the number was 803.

MR. LALONDE: Your lordship, is my friend in the position to say that these are only movages without pilots, that is that they had nothing to do with movages that might have been performed by river pilots in Montreal Harbour.

MR. JACQUES: Without the services of a pilot.

MR. LALONDE: Any pilot?

MR. JACQUES: As far as I know it is without the services of any pilots.

THE CHAIRMAN: Who prepared it?

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MR. JACQUES: It was prepared in Ottawa and forwarded to us this morning.

THE CHAIRMAN: You can cross-examine on that point.

MR. LALONDE: Yes, my lord.

THE CHAIRMAN; Keep it in mind.

MR. BRISSET: What is the number of the Exhibit?

MR. JACQUES: 803.

DIRECT EXAMINATION BY MR. LALONDE CONTINUED:

Q. Captain Davis, I would like you to take a ship down the St. Lawrence River from Cape Vincent and I would like you to indicate to the Commission the many characteristics and difficulties which you face in your District while navigating a ship. I would like if there are any currents or sets you would indicate in red on the chart by an arrow?

A. Before I start this point, with your lordship's permission I would like to draw to the attention of the Court there is a condition that is local here, if I might do so.

Q. All right.

A. As we are here at the end of Lake Ontario which is about 180 miles long it isn't tidal waters. You have a condition, as the lake runs east and west, with strong winds, either raises or lowers the water at the end of the lake. If the winds are east the west end of the lake is raised considerably at Hamilton or Toronto, those areas,

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with the corresponding result that in the river you have an extreme lowering of the water so that the currents as we know them can vary considerably. It has been my experience at one time the water at Cardinal dropped a foot in less than six inches, and that is 70 miles...

Q. In less than---?

A. In less than six hours.

Q. You said inches, I am sorry.

A. Six hours. That is 70 miles east of the lake. Now, this is a resulting flow of the lake coming back again at times and it would increase the current or decrease it in the river itself. This isn't local to Lake Ontario. The U.S. Coastguard some years ago made a study of Lake Erie, and it lies in the same direction as Lake Ontario. They found this was so extreme that they thought it was necessary that they would broadcast every hour from the foot of the Detroit River the water levels because of the shallowness of the River above. The water could drop, the level of the lake, it would affect the river up above. In extreme low water they broadcast every half hour. That just goes to show this wasn't hearsay. It was study made by the coastguard.

THE CHAIRMAN: Isn't that the reason why you had a west lock on the Welland Canal, Lock number 8, where there is really no difference in the level except when you meet wind conditions like that.

THE WITNESS: That is one of the reasons there, your lordship. Another reason is at the upper end in long canals where the breaking of the channel banks further

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down would endanger the life or property of people, they have a control like this at the upper end so that they close that and no more water will come in. The guard gate is usually at the lower end, but the upper end they have a precautionary control.

MR. LALONDE: Q. What effect does this particular local condition have on your ships at the entrance of the St. Lawrence River at the end of Lake Ontario?

A. You can't be sure the amount of current that you will have at any particular time. You know which direction the wind is and that would give an indication of whether the current might be more than normal or less than normal. If it is easterly it will be less than normal. If it is westerly it is going to be more than normal as our prevailing winds are from the west. The lakes that lie in a line east and west are more affected than the others. It also explains something that might be interesting. In this area here.

Q. That is the area where you board your ships?

A. Where we board the ships.

Q. Yes.

A. There has been four or five ships that went ashore, aground on this side here.

Q. Would you---

A. On the north side there is the channel before the pilot boarded. Now, when the ship is coming in usually the Master or the crew -- it will explain how many

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times it happened -- there doesn't seem to be any prevailing current.

THE CHAIRMAN: To the east?

THE WITNESS:: East point there. They are heading down to pick up the pilot, but if it is westerly or south-westerly winds as soon as they get to this point here.

MR. LALONDE: Q. That is?

A. That is Alexander Point there is a decided set immediately to the north, quite strong, and these ships have been stopped before the pilot comes on board, they are only drifting with the current and the wind pulls them up against this bank. There has been about four or five ships that this happened to.

Q. Would you indicate with a red arrow on the chart the direction of this set in this particular spot where you have that set, the direction of the set. Yes.

A. It doesn't go right across. It is only local.

Q. Yes.

A. When you board your ship here the current if it is not abnormal and you are aware of it -- I think many of the ships that have gone ashore -- there is one particular occasion the pilot boat coming out noted what was happening and they tried to call them on the radio telephone and there was no response. The ship didn't reply. Whether she didn't hear or what it was there was no reply so the ship, before the pilot came on board was up against the bank. Usually they just go up against the

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bank and have to be pulled off. There is only one other instance where an accident has happened, I believe. This set of range lights down here are very strong.

Q. That is where?

A. That is down Wolfe Island Ranges. There are two -- I should note, this set here is quite strong.

Q. On Wolfe Island?

A. Wolfe Island Ranges. The Carleton Island Ranges are rather weak. The bearing between the two ranges are only 2° difference. One ship coming in in the fall of the year when the leaves were off the trees saw this side of the ranges over here.

Q. Never say here and there because it never shows in the record. You said there were no more leaves at Hinckley or Alexander.

THE CHAIRMAN: I suppose the ships would see the range lights over here?

THE WITNESS: No, over this point.

THE CHAIRMAN: Over the point. (THE WITNESS: It is only something that takes place either early in the year or late in the year. The ships come in taking a bearing, because these range lights were dim or on low power missing 2°, not much of a difference but the ship grounded. It comes right across the shoal.

MR. LALONDE: That is at the entrance of the river?

A. Entrance of the river right on the line coming in.

Q. Didn't you have several groundings in

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the area of the entrance of the seaway this year?

A. Yes, as I was saying this spring, one of the ships, one of the Canada Steamship freight ships which had lots of local knowledge -- the same thing happened to her except that the ice was heavy here and when she came in it and slowed her down to pick up the pilot this flow was taking place and before she could get away again it set her up against the bank.

MR. JACQUES: The witness is talking about a couple of instances, was he witness to the incident or was this just---

THE WITNESS: Local knowledge.

MR. JACQUES: Was he just speaking from he has heard from other pilots?

MR. LALONDE: You can ask the questions.

THE WITNESS: This is local knowledge. I wasn't involved in any of these cases. It is in conjunction with this change of current that I asked his lordship if I might explain first. It is possible to tell what it will be any particular point.

MR. LALONDE: Q. As far as you are concerned it is hearsay these ships got grounded?

A. Correct, sir. There was no pilot on board, and that is the only explanation we could give. When we board a ship here...

Q. Common knowledge?

A. When we get aboard the bridge we ask the Master how the compass are. If he has a gyro compass, what is the error. If his radar is working, if he has

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his anchors so we can use them, if the man at the wheel is competent. Most of this is assumed and the answer you will get is always yes, yes. Down here on this side of the ranges, Carleton Island Ranges -- I should first draw your attention to the fact that this chart isn't quite up to date.

Q. That is chart 464?

A. That is right.

Q. Exhibit 464?

A. With regard to the grounding of these ships there has been another red buoy.

Q. Would you indicate in blue on chart 464 an X with a circle around it. Since when is this buoy fixed?

A. That buoy was put there about two months ago.

Q. About two months ago?

A. After the grounding of one of the American ships they have put that there. It is not in Canadian waters. It is in the U.S. waters.

Q. Yes?

A. After we picked up these Carleton Island ranges we can check the Captain's report on how his compass is. From that point until buoy R242 the current is very light. This also now has been dredged. The U.S. Coastguard took off a considerable end of Hinckley Point, but we have no official word as to how much it was.

THE CHAIRMAN: In order to straighten that S there, that S circle?

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THE WITNESS: Yes sir, that is right. I understand when it is finished we will go right across here instead of making the S curve.

MR. LALONDE: Q. Before you proceed further down you mentioned you were checking the compass when you were boarding the ship. How do you do that?

A. You ask the Captain at the time if he had any error.

Q. Yes?

A. You check the compass when you have your range lights in line. You know the bearing of them at this particular place. It is 33° true and if we see the gyro compass doesn't agree with it you know what your error is. It is possible for a gyro compass to go out a couple of degrees in a stretch across the lake. This is the first chance you get to check.

When you come down to Buoy B243 you make your turn which is quite sharp with a heavy laden ship to get Bayfield Island range. In this stretch across here, if you are meeting another large ship coming up, the angle of turn is quite hard. Sometimes it may take 20 or 25 degrees of rudder to make the ship start around and to make her come around far enough to get off in time. If you are meeting another ship in the opposite direction it is sometimes quite close work.

From the Bayfield range when you get to buoy B239 and it is abeam you start your swing to Wolfe Island range. On these swings, the turn or angle of turn is quite hard, it takes quite a bit of rudder to make them come

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around. We found that out when one of the men experienced, when they were starting around, -- he started around at this buoy, it was at night time when the wheelsman, the man at the wheel eased his rudder and he didn't notice it and the ship went ashore on the north side because the angle was so great around that the wheelsman, man at the wheel usually tries to ease off rudder because they didn't expect that they will have that much of an angle to come around in.

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The same thing around right in this locale last spring with one of our ships in collision with a laker.

Q. Where is the spot you have indicated? Would you indicate it in blue on the chart?

A. Well now I wasn't there.

Q. Have you seen the actual spot of the accident?

A. I wasn't there. You couldn't. The pilot who was there told me.

Q. This is hearsay. What ship was that?

A. It was the SILVER ISLE and the PRINCE -- I don't know what it was. One of the Dutch ones. PRINCE ALEXANDER.

Q. You said there was a collision there this summer?

A. Yes. One of the ships in coming around did not come fast enough and crossed the bow of the other ship and the pilot who was on board the PRINCE ALEXANDER, I am sure wouldn't tell me anything but the truth -- he is a personal friend of mine -- and he said he had his ranges open to the north or the west I guess I should say in that particular case.

Q. Do you know whether there has been an inquiry by an officer in Ottawa in that respect?

A. I believe there was a hearing.

Q. Do you know whether Captain Gendron investigated this?

A. I couldn't answer that.

Q. Do you have the approximate date, the

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time of this collision? Was it this summer?

A. Yes. I think it was June or somewhere around there.

MR. BRISSET: I have the transcript of the inquiry conducted by the U.S. Coastguard and the Department of Transport and I will supply the Commission with a copy.

MR. JACQUES: We would appreciate that.

MR. LALONDE: Are we going to reserve a number for this Exhibit my lord which would be the transcript of the U.S. Coastguard and the Department of Transport Inquiry?

THE CHAIRMAN: That will be number 824.

---EXHIBIT NO. 824: Transcript of evidence of the hearing of the U.S. Coastguard and Department of Transport Inquiry.

Q. Is there any set or current in the area you have already covered from the entrance from Alexander Point to Carleton Island?

A. The current on the stretch from Alexander Point to Carleton Island is a fair width, with deep water. When you come on the cross one, that is Bayfield ranges, this current sets to the north just around Hinckley Point and then it starts to have an effect across (indicating), not exactly 90° across but about 45° angle on your port bow. When you turn here, Wolfe Island range, the set is with you, with the channel. All this is just natural channel of the river itself. From buoy B235 there is nothing that interferes. You are coming down heading on

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Linda Island.

Q. We are now on chart 463 and number 1420. Yes?

A. There are no ranges here. The water is quite good especially on the south side until you come to buoy B233 which marks a very shallow spot. At light R -- at the St. Lawrence point light you change your course before you get to that buoy, heading down on, we say Clayton Bluff, but it's Bartlett Point light. The current here is very weak as you have got good deep water. Above Bartlett Point here is the last place for about 15 miles that a ship with large tonnage can anchor in clear visibility.

After you come past Bartlett Point you come into a very narrow channel and as it shows on the next chart here just a few miles you come into the American narrows so that a ship downbound of any great size has to decide here (indicating) whether the visibility will be good enough to go through. She can't stop below that. Sometimes it is quite difficult to do, if it is weather that is not foggy, it's maybe only haze and the condition will show a little farther what happened. When we come to Bartlett Point we come into the narrow channel. At this particular place it is only about 600 feet wide. That is recognized by the Seaway. The current here is about one knot, not more than one knot and of course the currents are always down river in all cases.

From Bartlett Point to Buoy R224 you have got a straight course but at this particular point if there

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is another large ship coming up from the head of the American narrows and you are going to meet at this island here, Colborne Island, it is not a safe practice for two ships to meet. The angle of the approach of these ships is very very sharp so that we try to reduce speed. Sometimes you cannot see them because these islands are quite high. Sometimes you will not notice a ship coming up from the lights here (indicating) running lights coming up from the upper end of the American narrows so you might not always see them because the Thousand Island Bridge, the lights off that bridge form a barrier on your island.

After we come abeam of Colborne Island it takes a considerable helm or rudder to swing the ship around in that angle over to the -- above the narrows. Now there is one thing that I would like to draw your attention to at this particular spot; the first time we have met it. You will notice that on the edge of the channels here one of them which is west of Buoy 224 you have 27 feet marked. You will find another one abreast Chapman Shoal. Those are areas which have been deepened to 27 feet. The top of the rocks have been blown off to 27 feet. That is all.

If you are coming down with -- first off, just before that I forgot. At Bartlett Point you also come into the reduced speed zone which extends for approximately 15 miles down river from Bartlett Point to Whiskey Island Shoal.

Q. What is the speed limit there?

A. The speed limit there is eleven statute

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miles eastbound and nine statute miles westbound. Previous to about the first of August of this year it was nine statute miles both ways. The speed of the current which varies, as I drew to your attention with the water level of Lake Ontario, is a contributory factor to the fact that many many ships are stopped by the United States Coastguard exceeding the speed limit. This is one factor that is hard to control.

When you are in a narrow channel such as this is, the pilot has not the time to check how many feet he is making over the bottom. He can ask the officer of the watch to help him and give him the time but he cannot verify that what that man tells you is right. There are a few places that we locally take the time when we get down a little farther and you might watch but the channel is too narrow, especially with the large ships, to put your attention to what that is.

It is true that the first regard we have is to make the best time or speed we can in any section of the river having due regard to the danger to property or risk of human life. So that when you are coming at of this deep water into shallow water, sometimes your ship does not lose her speed immediately. If you start to bring her down to the speed that they say they want, you would have to start on many ships ten miles up the river. If you do that in all places, I am afraid that traffic will pile up so much you will not get your ship through so you do what you think is the best for each size of ship.

Now there is another condition with regard to

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this speed zone. The foreign ships have many many more infringements of this regulation than the lake ships. There is a condition for that. The lake ships, because of their construction being very blunt forward going through the water do not shove a big foam in front of the stem. They are not quite so conspicuous but the foreign ships, being fine, they always have, going at a very moderate speed, have a considerable white foam in front of the bow so then they are immediately noticed and the time is taken on them. Now there is no leeway given to you. If you are half a mile over the speed limit you are blamed right then and there. There is no leeway at all.

I would like to draw the Court's attention to that. That is the reason why pilots are blamed so often for being the only ones that infringe on this speed limit.

After we turn Colborne Island the channel is at a minimum width of 450 feet.

THE CHAIRMAN: Before you turn the chart there, I have noticed just at the north part of the river there Canadian Channel. Is that used?

THE WITNESS: No sir. It is used for pleasure craft. The large ships couldn't use it. The Canadian lighthouse tender does come up there and light a few lights in there but it isn't used for practical purposes.

Q. However, you have the channel, the Canadian channel just north of this Island which I understand we will come to later on?

A. Yes.

Q. Yes? Let us proceed on chart, Exhibit

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Number 462, chart number 1419.

A. Now we are at Colborne Island, North Colborne Island and after we make the swing through we come down to buoy B217. With a medium sized ship it is possible to anchor around buoy B217 and to the north of it, to the west of it a little bit and a little bit to the east too you cannot, as your current is increasing as you come down. In these narrow waters with a large ship it is very difficult and very dangerous to try to turn. A medium sized ship you can bring her around here (indicating) but a large ship when she gets cross-ways, as the set of the current is always down, when you get your ship cross-ways she will not come around any more. She drifts side-ways down, a large ship.

At buoy 217, once we pass here, we have a distance of about eight miles that it is not possible for any ship to turn in. Once it has entered there, you must complete that run through regardless of what conditions of weather you may meet.

Q. This eight miles would take you approximately to where?

A. It would take you down below Sunken Rock which is below Alexander Bay.

Q. Would you indicate in blue the limits which you have just spoken about. This eight mile area, how wide is the channel in this area?

A. The width of the channel in this area is still a minimum of 450 feet. That means that you will see many places along this channel, as you go down where

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they have marked 27 feet. Now 27 feet means that they have taken the top of the rocks off to that depth and widened it in that particular area.

Q. Does 27 feet indicate the actual depth at these particular spots? (A. 27 feet is the depth of water at chart datum. If the water is higher than that, you have more than 27 feet but that is supposed to be the amount of water there when the level of the water reaches the datum of the chart. There is considerable number of them. As we go down from this buoy 217, or to a little below it, we send out a security call on the radio phone, radio telephone advising that ship such and such a name is proceeding from and entering the upper entrance of the American narrows. The reason that is done, we can meet ships in here but there is one particular place down here at Comfort Island where it is almost -- it is impossible -- almost impossible for two big ships to meet. Your angle of turn here is very great and you have got only 450 feet to do it in. Of course, you are down to your eleven miles an hour in speed. Now you will notice even at westbound there is no use dropping an anchor in this area because this is nothing but rock. There is no mud. It is all rock and you have extreme depth. In fact, one place here just above light 210 you have got 239 feet of water in a very narrow area, less than 400 feet wide. It just happens to be a hole but there are many more of them as you proceed down. After we get to this Thousand Island Bridge that is shown here, at night time the lights on this bridge act as a curtain. It is very hard to see what is below

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there. It is amost impossible. I had one instance this summer. I was going down on a large sized ship. The captain was quite familiar with it and when we -- in fact it was a light ship -- when we were up here (indicating) it was at night time and I made the remark that I didn't like the looks of the weather. There was no wind and very calm and the captain on the bridge oh, he said, that is fine. Look at it, we can see the Thousand Island Bridge. The lights are as clear as they are any time. So we proceeded down and above these lights you could pick up with your binoculars the aids to navigation which are above. When we entered in down here at light 210, all of a sudden we found in front of us that from this bridge, below this bridge this dense fog closed in absolutely. The lights from the bridge were showing above. There was nothing the matter. This is a condition that happens.

First I should say that this bridge has a minimum clearance of 130 feet, I think it is, underneath it, but the lights on this bridge up above shine down so that you cannot see below and we did not discover until we were in here that there was a fog condition below there. There is nothing to tell us unless somebody answers you when you send out your security call. Unless somebody is coming up below and will answer you to tell you they are there. You can't even be sure that your security call is sent out because there is nothing on board a ship that will tell you that your machine is working properly.

Q. What did you do? Did you proceed down?

A. You couldn't do anything else. Once you

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pass this point here (indicating) you cannot do anything else but proceed.

Q. Do you use radar?

A. Naturally. That is the only thing -- you couldn't, you might get through without radar. I doubt it very much.

Q. Now this Thousand Island Bridge, is that a high bridge? Are there any piers?

A. No. This is high land on both sides. There are piers but they are right on the edge of the shore on each side.

Q. There is nothing in the channel?

A. There is nothing in the channel. In fact, there are islands outside of the pier, just above, right here (indicating), you will notice it, a long island, just find it there (indicating). Your current here is increasing as you get into these narrow waters to about two knots. It is about two knots and it continues at that until you get down to this lower end here at Comfort Island where this sharp angle of a bend has to be made. Here is the angle of the two ships (indicating). On the north side of this particular place the shore is higher. It is not possible to see a ship that is half a mile below that point when you are half a mile above the point. Neither one can see the other. It is the common practice, when you are a little below the Thousand Island Bridge, you send out another security call. Then when you get down to what is called Point Vivien, you send out a third one and they know, any ship here knows that within ten minutes, fifteen

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minutes the downbound ship will be turning at Comfort Island. She can't go anywhere else with the current behind here. This current increases until at this particular point, at Comfort Island, you have three knots or possibly more. There is a condition, you may say well you have still got the 450 feet channel but that is not quite right because at Comfort Island you will notice that you have a number of islands here on the south side.

As the current in any place in a straight river will fall down, once that current is set up it continues, that current, at these islands. The current does not change immediately and go down on the other angle. It follows in around these islands and where it comes out is about just above Cherry Island. The current comes down the very narrows, in past Comfort Island striking the shore, deflecting back out again to the north of Cherry Island.

Q. Would you indicate this approximately in red on the chart?

(Witness indicates).

COMMISSIONER SMITH: Are there any remedies that you can suggest to overcome the navigational difficulties that are encountered around the Thousand Island Bridge and in that locality that you have been describing?

THE WITNESS: There is nothing that I would know unless, as they use in the St. Mary's River, the U.S. Coastguard in the St. Mary's River are situated at many places up and down the river where you have fog occurrences and very restricted channel. They advise the

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ships, if there was any local fog in that immediate area. That is the only thing that could happen.

Now above Comfort Island there is one other local condition. In any of these places here, just below the Thousand Island Bridge, you have Brown's Bay, in any of these places you have got very high land on both sides. You have an area which creates very heavy fog which comes out of these bays, Brown's Bay and just above Comfort Shoal, Comfort Island.

These two areas, whether there is marshland or something to the north of there, I don't know, but these two areas with the fog coming out of there very much, that is where the ships are all caught.

As I started to say before at Comfort Island, if two ships, an upbound ship and a downbound ship were to meet, large ships, the current as it continued to set straight with the channel you are just leaving, it has a tendency to throw your stern on top of Comfort Island so that you have got only 450 feet wide channel and if you go over to one side in order to let another ship up, it is very dangerous.

When you get down past here and come to Cherry Island, at the west end of Cherry Island the current sets across to the north. Where it has gone in back of Comfort Island, it comes out again across the channel at quite a sharp angle. Now this current sets up a whirlpool right at this particular area, right here (indicating).

Q. Indicated by a red circle on chart Exhibit 462. (A. When a ship comes down in here, especially

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if you have a deeply laden ship -- it doesn't take place now, but I can refer back to an incident that took place with a Liberty ship in which case there was a Lieutenant of the United States Coastguard holding an inquiry on board. At that time our speed limit was nine statute miles an hour over the bottom. As you have a two knot current behind you at all times, or possibly more, the ship was hard to steer. She is down to maximum draft for the Seaway. The Lieutenant of the Coastguard finished his investigation before I came in at the top end of the narrows, and he came up on the bridge and he said to me -- we were talking, and he said he had been on these ships all during the last war. So when we got down here at Comfort Island, the rudder was going hard over to hard over. He was on the bridge and I asked him, I said what would you do in a condition like this? You are a seaman. What would you do? He said I would increase the revolutions on my engine. I said Yes, that is quite right but I said if I do so I will be fined because the ship will exceed the speed limit and he looked at me for a minute and then grinned -- sorry. That is the reason why we have fought for a number of years to try to get this speed limit increased and it was done this summer, which was a great help to us.

Q. It is now eleven statute miles?

A. It is now eleven statute miles eastbound. It is still nine miles westbound. After you pass Cherry Island the river starts to widen out and you get an easing off of the current because of the deep water as it widens out. There is no particular difficulty experienced. There

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is no place that you can turn a large ship until you get to Sunken Rock and even at Sunken Rock you haven't got too much room. From Sunken Rock down to buoy 185 you have got a straight course. You will notice there is an area marked dumping ground on the north side of the channel which is above Deer Island. If you find that you want to turn a big ship there is nothing to show how much water is over that dumping area. It is where some dredging has been done and that is the area they took to dump this in. Why they went so close to the channel when there is unlimited area outside -- that's the way it is. It could be this water was exceedingly deep, but to put a ship into what is marked as dumping area is taking quite a risk.

From buoy 185 down to Whiskey Island Shoal is the end of your speed zone. From there you can proceed. This Whiskey Island has a condition too. The light standards that were put to mark the sides of the channel, not by the Canadians, by the U.S. Authorities were only about six inch steel poles standing out of the water. The first year, when they came out there wouldn't be a light. In the first year it was impossible to pick them up in any kind of weather. It was just like a flagpole in hazy weather with no flag on it. After much objections they put a small steel piece about three foot long and probably two foot wide -- it might be four foot long on the side, clamped it on the side of these poles. They are hard to spot. In fact one of the ships, a foreign ship -- the pilot missed that. He had been looking and it was bright sunlight and looking into the westerly sun and he struck that pole and knocked it over.

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What happened in that particular case in my estimation, nobody elses, he couldn't see it and when he did see it he tried to avoid it and didn't have time.

Q. Have they replaced this type of buoys?

A. No, they are still putting them up. In fact the ice has carried away a considerable number of these in the last three years and the only difference that they are putting, they replaced this one -- when they replaced it it was the same type of pole up again except that it had like a railway iron track put down in front of it so the ice couldn't cut them off. That is all they are doing. That is the way they are replaced. They are such a size they can hardly be picked up.

Q. Are these installations year round in the water?

A. Year round.

Q. The same thing on the Canadian side, are they staying all year round?

A. Oh yes except the buoys, the buoys are taken off in the winter, but these others, most of them are permanent installations.

Q. How are they indicated on the chart? Do they have a special mark?

A. No.

Q. How are they indicated on the chart?

A. No, in fact, it says here there is a clearance of 150 feet. I never noticed that on the Thousand Island Bridge instead of 130. When you see that on the chart you know that is what they are.

ENGLISH

Q. Yes?

A. There is also something else on this chart before we leave it.

Q. Chart number 462?

A. At Clayton, I should have mentioned before, there are two submarine cables across the river at Hinckley Point and the next one we come to is this one here at Clayton. Now, in the narrows, I think it is eight submarine cables all across the channel between -- just at the Thousand Island Bridge and buoy 185. They are eight distinct places so even though you are westbound, if it was a case of a last extremity, you would drop anchor, there is quite a number of places where you shouldn't go. There is nothing on the charts. If there is they are not conspicuous enough to tell people exactly they are there.

After we come to the Whiskey Island Shoal the current here is not very much because of the depth of water. The river it is true is narrowing because of the Thousand Islands in here, it is eight miles from the mainland at the south end of the Thousand Island Bridge to the north end at the Ontario shore. When you come down on here it narrows up again and your deep water tends to lessen your current. When you come down to the course again -- we have come to the 27 foot mark, 27 foot spot just above Whiskey Island Shoal. Now, in this area here, in our 27 foot -- it doesn't bother you so much because we are in the reduced speed zone. As you leave Whiskey Island Shoal you try to make the buoys -- it should be on the next chart.

ENGLISH

Q. Chart Exhibit 461.

A. Your speed increases and you are going to make the best possible speed you can. When you go down to Ironsides Island there is nothing to bother you there except in this area there are shoals on both sides of the river very close and the Seaway people, it is a 450 foot wide minimum channel. When you come down past Sister Island and down to Hascal Shoal, buoy 173, we have the first area just below Hascal Shoal that is a good anchorage for a large size ship. You can put a ship in there and anchor and there is very little current. When we are passing Dark Island which is at light 168,-it should be R168, I think.

Q. Yes?

A. It is another speed reduction zone. Now, it isn't marked here but the U.S. Coastguard in the messages they send out every year show you reduced speed at all times in U.S. waters and the St. Lawrence River in the vicinity of Dark Island.

Q. Do they say to a certain limit?

A. No, they don't say there, just you must reduce speed especially in the vicinity of Dark Island. There was one time when they had in fact extension of the speed zone from Whiskey Island Shoal to just east of Dark Island, they had that in force and we decided it was ridiculous so for argument sake we said how do you have authority to control the speed in Canadian waters. There is one particular place at Hascal for about a mile where we are back in Canadian waters and that was how we got

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over that particular ruling. They still say you must reduce your speed at Dark Island.

From Dark Island you will notice you are off buoy 172, you also have another 27 foot spot which simply means that the top of the rock shoal has been taken off. Now if we get back in the area where we can go at full speed having due regard to the speed of the vessel, all of a sudden you come to one of these 27 foot spots. It is very hazardous. If you happen to be at a time when the water level, having regard to the amount of flow from Lake Ontario was reduced, it would be possible for a fast ship to strike the bottom. That is quite possible. They could take, what they call squat, or whatever you like to call it, it is quite possible even at 27 feet. That has been proven in the St. Mary's River up around Iroquois Point.

If we come down past Chippewa Point and we come down to light 163 at Blind Bay, we come into a considerable number of these all the way across, in fact, in that particular place there is one, two, three, four, five, six, seven, in an area of little more than a mile across there. This stands out.

Q. What are those?

A. These are 27 foot spots with just the tops of the shoals taken off. As they come out from the side of the channel you will notice very often your ship is very uneasy, she doesn't steer a straight course, she will go across or alongside, the ship will take suction in that particular place, suction, the amount of water that

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has come in that particular side of the ship is limited by the draft of the water or the room for the water to come in and it tends to make your ship uneasy.

After you pass Whaleback Shoal or light buoy 153 you have another sharp turn which takes you down on the Brockville ranges, to the head of the Brockville narrows. This area is just natural river bed where the shoal is, the range lights don't lead in the centre of the channel. They lead in the centre of the channel in a certain part of it, they cross it. That is because they couldn't -- they changed these lights after the Seaway was built. The most they could change, I think was something about 2° in order to make it closer to the line of the channel. Now, the condition happens here is that two ships are meeting and if they are both taking the lights of the range, using it at night time, one of these ships at one place is going to be closer than the other to the side of the channel. If you pass the front light of the Brockville range, I should say at Coleferry Shoal, light 149 -- somewhere in this area the security call is sent out again that you will be entering the Brockville narrows downbound in five minutes or ten minutes depending on where you are sending it from. You have already started to reduce your speed because it is a very narrow area again with an increasing current. Up through here (indicating) this current isn't strong. It wouldn't exceed one knot in any of those. There will always be an outflow but the speed of the current will not exceed, I would say about one knot.

ENGLISH

Q. Is it following the direction of the channel?

A. In most cases it is. In fact, it would be hard to tell. Of course, now, on this course from Blind Bay to Whaleback Shoal you will have a current, the current will be running slightly across the channel, not very much. (Q. Yes.

A. When you are down to the upper end of the Brockville Narrows you have here another area like the Thousand Islands where you have four miles that it is not possible to turn a ship in or stop. Once you come down past Coleferry light it is not possible to turn the ship. You must continue right on through. (Q. Before you get into the Brockville Narrows could you tell us whether you could anchor on the way further up between Brockville Islands and Thousand Islands?

A. Yes, I told you about the Dark Island here.

Q. Yes.

A. Dark Island you have quite a good anchorage except you must be careful of this dumping ground condition again. Usually if you have to do it you do it just below Hascal Shoal. Once you pick up there, when you come across to Whaleback Shoal you can anchor again to the north of the channel. You have plenty of water to anchor in there and good holding. In many, many places down here it is possible in an extreme condition -- you would take a chance of anchoring and you might be able to accomplish it. In the Brockville Narrows---

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COMMISSIONER SMITH: If your lordship pleases before the witness goes into another area, I would like to ask a question. You mentioned the blowing off of rock on the shoals to provide 27 feet of water in certain areas. I would like to ask you what would be the maximum loaded draught ships would be using that area or passing over these shallows?

A. Twenty-five feet six inches sir. That is the draught that is permissible in the Seaway now.

COMMISSIONER SMITH: Yes.

THE WITNESS: At the same time, you would have -- if water level in the area was down to chart datum you wouldn't have more than a foot and a half of water under you.

MR. LALONDE: Q. Do you have vessel over the draught twenty-five feet six inches?

A. We come down and we find off Cardinal they are draughting more than twenty-five feet, six inches. That is the Seaway. There is no way -- if I may go back, up at Alexander Point where I boarded a ship you must get datum because of the side sets and even when you go out and they are a little bit and are alongside you you must check accurately the draught of the vessel. You musn't take the Captain's word for the draught of the ship.

MR. MASON: On this point I wonder if you could advise the Commission what is the level of the water at the present time, datum.

THE WITNESS: The last one I seen about a week ago it was thirteen inches above.

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MR. MASON: Plus thirteen inches.

THE WITNESS: Plus thirteen inches.

MR. LANGLOIS: On the same point are the water levels broadcast daily for shipping?

THE WITNESS: Never, never.

MR. MASON: The Coastguard brings out a publication every two weeks on this business of forecast draught?

THE WITNESS: That is right, and they publish these and they also have what is known as a prediction of what will happen in the next two weeks.

MR. LANGLOIS: Have the pilots ever made a request to have the water levels broadcast, at least daily or twice daily?

THE WITNESS: The only trouble is we have asked for it, yes, but the only thing they ever done for us, this was before the Seaway, at Prescott Elevator Lower Lakes Terminal, the Department of Transport put a light there that they said if there was an obstruction in the channel they would light. Now, we would understand if the water was too low they would light it, that it wasn't too low in those days because the maximum was fourteen feet three draught and you had sixteen feet channel, and that extended down to the first lock. How quick the water could drop. One time at Cardinal, I was there in another ship and the Lockmaster told the ship to go in the Lock. The ship got halfway in the Lock and she stopped because the water was dropping too fast and she was there sitting on the sill of the Lock, halfway in and halfway out. There

ENGLISH

was nothing anybody could do.

MR. LANGLOIS: That was in the old canal.

THE WITNESS: In the old canal, but in the present canal they can still go down at that rate.

MR. LALONDE: Q. It seems you have difficulty to get in the Brockville Narrows. We will try and let you go down.

MR. JACQUES: That incident, was he personally there?

THE WITNESS: I was there. It wasn't my ship. I was there. I was the next ship on the wall waiting for the lock.

MR. LALONDE: Q. We will now proceed to chart number 460, number 1417. I promise not to interrupt you?

A. We will take this enlarged section in the upper left hand corner. In the Brockville Narrows you have there two to three knots, and you will notice you have considerable rather shallow water just outside the channel. The current has a tendency to follow in the deep water channel except if you are meeting another ship -- the downbound ship is always on the starboard side of the channel and the tendency is that there will be a slight outflow between the Island to the south, that is a tendency that takes place in all this area.

Q. Could you indicate this by red arrows on the chart?

A. It will only affect you if you are meeting another ship. If there are two ships one each side coming here and the one on the right hand or starboard

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side will have a tendency to be pulled to the south. Here again we have a very bad fog area. You will notice just above Cockburn and you have an area, this point coming down here to McDonald Point is high land but the area beyond it with a small river or creek and a lot of low land. This area develops fog very rapidly. When you enter up here at Coleferry light, Coleferry Shoal, when you have made your decision to come up you can't stop. You must proceed. There is nothing you can do. One of the worst accidents that the insurance people speak about in our upper river was at this particular spot. There was at that time four or five ships, late in the fall of the year, late in November -- I think it was about the 28th.

Q. What year would that be approximately?

A. Oh, about 1958 or 1959, the VILJA was the name of the ship -- 1959. Four or five ships coming down, the 28th of November. I think it was the 28th. They all came through except the last fellow. The last fellow came down. He wasn't any more than about 20 minutes behind. He could see everything when he came in. When he came in these narrows, when he got down here at Cockburn Island the fog bank came out. You could cut it with a knife. It just came at you if you went too close, right across -- you had to turn, the ship was crowded in this area here .

Q. What was the name of the ship?

A. The VILJA. It was a Norwegian ship. It is on rock. There is nothing else in this area.

Q. Were you aboard that ship?

A. I was aboard that ship eventually. I

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was aboard that ship when she was taken off, when she was refloated again. I was sent down in the middle of December, the 15th of December when she was taken off.

Q. She would have stayed about two weeks?

A. She stayed about two weeks. She never got out of the Seaway that year. She was kept all winter. The only place we could take her was to Prescott. She was about this part here. That ship when she struck there, she struck stern on to a pinnacle of rock. The forpeak wasn't damaged. The water eventually lifted the ship up in the air and when she came down the rock came up through the tank tops into the cargo between one and two hatch. They unloaded the cargo in the fairway. She was loaded to about 23 feet, I think it was, somewhere around that and when they unloaded the cargo forward the ship wouldn't lift enough off this pinnacle rock up there, so they couldn't pull her off. What they did was seal off the tween decks, put air compressors, cut holes in the ship's sides out of the bilge, sealed the tween decks, put an air compressor on top and pulled water out with them, and when she came off you would never know. She almost went on again.

Q. You were on board at that time?

A. I was on board at that time. Fortunately I was lucky. You have an area of four miles that there is no stop, you can't turn a ship in.

Q. Could you indicate in blue this area of four miles?

A. From the foot of the Brockville Narrows

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you are still in the restricted speed zone from McNair, I can't see the number of the buoy.

Q. 137?

A. 137 is right.

Q. Yes. Now, we will be here on McNair Island and we will be proceeding on the larger chart after the adjournment.

THE CHAIRMAN: We will adjourn now until 2:30 this afternoon.

ENGLISH

---UPON RESUMING AT 2:30 P.M.

THE CHAIRMAN: For those who wish to take a plane this afternoon, we will finish at 4:30 and we will have a very short adjournment.

Captain Davis recalled to stand.

DIRECT EXAMINATION BY MR. LALONDE CONTINUED:

Q. Captain Davis I believe that before the adjournment we had reached McNair Island. Do you mind proceeding down with your ship?

A. From McNair Island the water is very deep and practically no current at all for about twelve miles. When we get down opposite Maitland we come under the control of the St. Lawrence Seaway. That is at calling point 14, Maitland Buoy. We usually have to call into Iroquois Lock, Control Lock giving the name of the ship, the draft forward and aft, the cargo and destination.

At this point the Control Officer will advise us to proceed at normal speed or to reduce our speed depending on the traffic situation at Iroquois Lock, which is about fifteen, eighteen miles below this point. According to regulations we are able to pass any ship that is ahead of us up until we reach the calling in point which is at Cardinal, if the ship we are on is fast enough, but in practice it is the control officer who tells us we should reduce our speed or wait behind the other one in order to facilitate the movement of ships through the first lock. After we get down---

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THE CHAIRMAN: Excuse me. You said the Control Officer of Iroquois Lock?

THE WITNESS: That is right sir. That is V.B.X. 21 Iroquois.

THE CHAIRMAN: And this is Canadian?

THE WITNESS: Yes sir.

THE CHAIRMAN: He contacts you by radio-telephone?

THE WITNESS: We contact him and he gives us the information. You see, the two American locks are inbetween the Canadian ones.

THE CHAIRMAN: There is a kind of traffic control exercised by the Maritime Authorities there? The Seaway Authority?

THE WITNESS: That is right sir. After you come in at Maitland, from there down you are under the control of various other -- Iroquois Control Officer or Eisenhower Control Officer. From this point down to the end of our District.

Q. In practice, I understand, you are free to overtake a ship if you want to. Is that the case, up to the other calling point?

A. That is right. According to the regulations you can do so but if the Control Officer tells you to stop and not pass him, he has the authority. You must follow his instructions. Sometimes it is a touchy subject.

Q., I imagine. But the order of the ships as they should go in to the Lock is determined at the other calling point?

ENGLISH

A. That is right. There is nothing in this stretch at all. The current is never more than half a knot at the most at any time and the water is very deep and clear. Now the end of the---

Q. We are now on Exhibit 459, number 1416.

A. At the bottom of this chart you will see where it says Prescott Anchorage Area. Now this is the last place above the lock that a large ship can go to anchor. From here down she hasn't got sufficient room so this has been designated by the Seaway Authority as the anchorage area.

Q. How many miles, roughly, from Prescott Anchorage Area to the next Lock?

A. It's about 12, 13 miles. About 13 miles. Now there are a couple of places that you can in emergency stop, depending on the draft of your ship but this is the last official anchorage.

If the canal does not have room, there are too many ships ahead of you, he will tell you to call in again before you pass this anchorage, and if necessary, he will tell you to anchor there but he has given us permission to proceed so after we come down abreast of Prescott we proceed a little to the south of the River. As we are moving down here we are coming into what was the old rapids section of the River. That is all natural river bed we have been going through from Lake Ontario down except they took the tops of shoals off.

From this area we come into what was flooded by the Seaway, flooded or dredged deeper. There used to

ENGLISH

be very fast rapids in water down here (indicating) and in the old days you went to what was called the north channel here across into -- followed around the shoal that is off -- just below Johnstown Bridge. That is where you used to go. In this new area they dredged this through here, they raised the water level by this control dam that is at Iroquois Lock. They raised the water, the level of the river at this point about 15 feet. They flooded the water back up here (indicating) and reduced this current.

Q. "Up here" you mean as far as---

A. As far as Prescott. Comes up as far as -- because of the very fast waters, the rapids section extended from right where Johnstown Bridge is now down. When we get down as far as Windmill Point and we turn to head down towards the Johnstown Bridge our current is increasing all the time until just after we pass through there (indicating). You have got from three to four knots of current running down at all times.

Q. Has the Johnstown Bridge any pier in the channel?

A. Yes. There is a pier on each side. The double lines there affixed in green is the centre of the span and the two lines on each side on piers. It is built on piers with the suspension bridge over the middle. It has still got 250 feet clearance, minimum clearance.

When you turn the angle underneath the bridge to go down past Chimney Island, the sailing directions tell you that the current flows with the channel but that

ENGLISH

is not quite right because at buoy B131 the set of the current is quite strong.

Q. As indicated in red on chart Exhibit 459.

A. With the tendency to pull you on top of Buoy 131. If you happen to be checked down and you are meeting another ship that is upbound there, you have to be very very careful or you will strike that buoy.

After you get down abeam of Chimney Island, the current then is straight with the channel. This channel is the same as before, 450 feet wide. The shoals on both sides are very shallow. After you come past buoy R126A and come down alongside the Gallop Island your current there is fair with you except when you make the bend at light 123. As you will notice at the angle of the channel as the current sets up it continues in that area until it goes over and hits the solid shore on the north side. When it strikes there, it is deflected and it comes down in another angle.

Q. Also indicated in red on chart Exhibit 459.

A. So that as you turn at light 123 you are close on the south side of the channel until you get down to buoy R120 and at that point the set is quite strong to the south. This is a bad place, very bad place to meet another ship in an opposite direction. You can understand now why when I said that you are able to, according to regulations, you are allowed to pass a ship ahead of you until you get right below this buoy 120.

ENGLISH

There is where you are supposed to take your turn but if it is a large ship of any size at all, if you have a large ship to pass in any one of these places it is extremely dangerous. The width is too narrow. At Cardinal or at buoy 120 you again call in to Iroquois Control Point.

Q. Is there any calling point indicated on the chart?

A. No. The calling point is indicated at number 13 at the Sparrow Hawk Point. That has been changed. They found that it was too close to the lock. Ships were piling up too much so they put it back to this -- actually it's at buoy 119.

Q. Would you make a circle in blue at the new calling point? When has this calling point been changed?

A. Two years, at least two years. One year. I know it was sometime last year.

Q. Are you sure it was before May 22nd 1963?

A. Yes. It was last year because we were using it last year there. In this case the Department was probably never notified to that effect because this is the controller's option. He can ask you to call anywhere and he does very often, depending on the number of ships he has ahead, how close they are coming, how many ships he has westbound, because there is not sufficient room to put too many ships on that approach wall above the lock.

Q. You are certain that the calling point

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number 13 is no more in effect as a calling point?

A. Right.

Q. Are you sure of that?

A. That is what we are told to do.

Q. Would you make an X over calling point number 13 in blue? Thank you. Yes, would you proceed?

A. At this point your current is increasing very rapidly. There is a situation here, this current was so strong that there was some way that they were going to have to take it away from the Seaway channel so they dredged this part in through south of the island here to the south in order that some of this outflow of water would proceed down and not come down the main channel. Now if it comes here (indicating) the depth of your water gets a little greater and you don't have such effect -- the current doesn't affect you as much.

Q. "Here" meaning as far as Fraser Shoal?

A. That is right, opposite Fraser Shoal is the inlet but the current has attained a velocity here of better than between three and four knots. Now there is another thing---

Q. Do you have a speed limit there?

A. No.

Q. No speed limit?

A. No. In all these areas where there are embankments you must proceed with your ship at such a speed that it will not endanger the permanent structures. In other words, if you go too fast in this narrow channel you are going to wash the banks down and have slides so

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they don't say a speed limit in this particular area but you are responsible.

There is something here. This control dam that is abeam of the Iroquois Lock is an installation by the Joint Hydro Electric Development of Ontario and the State of New York. The Seaway Authority has no control over the operation of the gates in this dam. If the power development authorities decide they want more water, they open all the gates with a corresponding increase in the current that flows down here (indicating.) If they decide that they don't want as much, they close the gates and it slackens your current off but you don't know what it is, or how much it will be cut off.

There is no control by the Seaway Authority. They can't be blamed for that and the Hydro Electric people don't seem to want to co-operate too much with us.

Q. Do they give previous notice?

A. No, they don't. The only notice they will give, they send out -- there has been a lot of damage done on these two walls, these two approach walls up and down in this lock and it is caused by current. It does not pertain alone to salt water ships. Lake ships have experienced it too. The only thing that the Hydro Electric Power Commission will say, they send out a notice in the spring of the year that there will be varying changes in the gates but they don't say at what time or how much or where.

You don't know until you -- if you are upbound and it is daytime you can see how the gates are

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but at nighttime you can't tell how the gates are.

Q. Would the dispatcher at that Iroquois Lock know about it?

A. No.

Q. Or give you notice?

A. No, he wouldn't know.

Q. Anyway, he doesn't give you information to that respect?

A. No.

MR. LANGLOIS: Have you ever asked to be notified of the opening of these gates?

THE WITNESS: Yes. We have asked but they just told us they are going to experiment. That is all. Now when it first started, when the Seaway first started there were many more accidents there than there is now because there was a much heavier current. What is happening here is that this current coming down quite strong, part of the current comes to the north of Toussaint Island and it comes down right straight across here at the entrance of the approach pier (indicating).

Q. As indicated in red on the chart.

A. Part of the current, the main part of the current comes this way (indicating) on the outside but there is a flow, as you see, in direction of the land here. The flow of the current is right straight down for Toussaint Island and follows that course through there. Because the depth of water is very narrow here, there is only a certain amount can go over, this cuts down and follows the shore line.

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COMMISSIONER SMITH: Do you mind an interruption Captain? Could you say what the variation is in the strength of the current, the depth or any other feature connected with the release or the retaining of the water by the Hydro people which would interfere with navigation? What are the variations?

THE WITNESS: I couldn't tell you how much the variation would be. There would be no way I would know. There is one thing I do know in that regard. In the first year we were having exceptional more trouble than now. At one time when the Seaway was built this Toussaint Island was twice the size that is shown now and it was a flat island.

They took part of the excavation and they put it up on top of Toussaint Island and then they put an earthen dam across from Toussaint over to Presqu'ile Island and they took the rest of the excavation and put it on top of that island so there are now two hills there. This here above the lock was solid. They took it out dry and then they took dredges down to open out the entrance.

I myself took the first dredge down with a small tug and at that time there was a current around here of about six knots. When I took this dredge down, I was very worried because I knew the tug was not big enough to hold the dredge in the current so I had warned the Captain to tell the dredge master that if we found we are not going to be able to hold that, for him to throw his spuds down to hold the dredge there because at that time this here dam was half built and was very heavy current.

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When I turned at Toussaint Island to go in there, first thing I found that I had to turn my tug and head east again because there was an eddy and I couldn't understand why until I looked over the situation after things -- and I found that this slight dam was across through this roadway. When the Seaway was finished, the contractors took this back out of there thereby letting this current still go over and proceed down across the entrance. We asked many times that this dam be put back again and the powers that be said it would cost too much money to put it back again, and they said, besides that the ice condition that will be formed here, in this little area (indicating) is liable to interfere with our dam so that they promised us that they would put a small jetty out from the shore here---

Q. Where is "here".

A. Well it isn't there.

Q. Indicate in green. It is all right, it is in the record anyway.

A. (Witness indicates). They said that they would put a small jetty out at right angles just below Toussaint Island on the north bank of the old canal. By putting that jetty there, it would deflect the current that goes north of Toussaint Island farther to the east and, therefore, we would have much more slack water making the approach wall. It was never done. What they did do, they raised the level of the water at the dam and I don't know how much they raised it but one time it was as much as two feet. When they raised the level of the water, it

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cut down the current because in your deep water you haven't got as much current. It reduced the current. Now they have been experimenting as to how much they would have there but we never know what it is going to be. There cannot be two trips in succession you would have the same current.

When you come around Toussaint Island and you have to make your approach wall, this wall is about 1500 feet long. You have a large ship and get current, no matter how much you slow her down. You have got a current that is shoving behind you here and it's around four knots. I would say average probably three to four knots, three and a half knots. When you come around and you are coming into your approach, you start to lose the current some when you get in past the end of Toussaint Island but when you get over where you are just about to make your wall, the bow of your ship, as the pencil shows (indicating) goes in above this line across the entrance there.

Q. Line appearing in red on the chart Exhibit 459.

A. But the stern of your ship is still out in the current. After you back your ship -- the current on the outside, it will shove your ship around and you will go maybe into the wall. There is not a thing you can do about it. There is your ship going on that angle (indicating) and even if half of the ship was in, the stern half where your rudder and everything is and you back your ship, the stern will be shoved down by the current. In fact, last summer one ship coming in too

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slow was carried around here and ended up at this point at Iroquois Point by coming too slow.

Q. Do you know what ship that was?

A. I can't remember. It wasn't one of our boys.

Q. Were you on board that ship?

A. No. But what happened, he was coming too slow and he couldn't get way enough on his ship so you have to bring your ship in past the entrance before you start to back.

Now if you are a large ship, heavily ladened you don't have much room. If you are coming too fast, when you back your ship, right hand propeller, your stern will break to port and it will be over the top of the wall, so it is quite a ticklish job to make this. You didn't have a tug at each end. You have only got somebody repeating, you hope, the order you give and that you get the engines you want.

Q. Do you have tug assistance at any of the locks?

A. There are no tugs.

Q. Do you have any linesmen?

A. There are no linesmen.

Q. Provided by the Seaway?

A. There are no linesmen. Nothing.

Q. I suppose you use landing booms for your men?

A. Yes.

Q. From your ship?

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A. When you can get the men to go ashore. One foreign Captain, the Captain has said to me my men will not go ashore until the ship is stopped. Now if you come in at a place here where you have got one thousand feet, we will say, very heavy current, until you get at the lock gates to put a ship up against the wall and she has got to be within fifteen feet of that stone wall before a landing boom will reach, and then you have to stop your ship there, that is quite a hard thing to do. In fact, it is not very often -- about the only way to make it through is to get a wind up from the east and blow you on the wall. That is the only way you can make it there.

Q. Now what is the procedure? Is there any particular procedure in connection with making the lock?

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A. Well, the only procedure is that you ask -- I should have mentioned before that when you board a ship and before you come down to Clayton or to your reduced speed zone you ask the officer or the Master how much time it is necessary to give the Engineer to order to reduce the speed on his engine. Some say 20 minutes, some say fifteen and some say they are standing by all the time, but it varies. When you come under Johnstown Bridge normally it should take you one hour from there to your Lock entrance and you tell the officer on watch and then he calls the Master and calls the crew or gives them half an hour notice, whatever they have, they have to be out here. When you come around they will most always ask you am I going to have to tie up. You never know. It used to be that the Control Officer when we were coming down will tell us you are going to get the lock or you are going to have to tie up. For some reason something happened a couple of years ago and their instructions are now to tell you come down and watch for your green light. There is a green light at the Lock entrance. When the light goes green you can proceed in. If the light otherwise is red you are coming to tie. If you don't have to stop exactly you can proceed slowly down, slow into the Lock. You know you are going to get this because that they were going to open for you. It is much easier because the speed of the ship when it gets close to the wall will start to reduce and you haven't got to pick up. When a ship is under way the revolutions of the propeller against the rudder controls the way, the angle the ship is going to

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come. If you stop your engine and the water is still flowing by your rudder your ship will steer, but when you reverse your engines you start the current of water at the stern counter to the way the flow of water is so your rudder is of no more value. Once your engines have been reversed the flow of water is the other way and has no effect, your rudder has no longer any effect on directing your ship. The only way you can use the rudder in that case would be if you wanted the ship to brake quickly. When I made that statement, it means you are coming into a port hand wall and we are assuming that you have a right hand propeller. When you come up to the Lock you are angling in. You can't come in straight with it because if you come in straight with the wall and they don't get the lines out forward the ship will hang on by the stern and go out at the buoy. She will leave. The reason for that is a large object proceeds along a solid wall it deplaces the water that is against that pier. If there is way on the ship the pressure of the water inside of the buoy, which is out some, forces back along your wall. As your ship, as it goes back along your ship it doesn't have the same pressure. The weight of the ship against the pier displaces the water and the water can't get into the back end so that that the pressure of the water outside shoves the stern of your ship against the wall. People say it is suction . It isn't suction. It is pressure of the water on the outside of the hull of the ship shoving the ship against it because if you notice in certain places where you are going along and your propeller

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is working you will find that close to a parallel wall the water level may be down six or seven inches some more than it is on the outside where the water can come, therefore it is the pressure of the water on the outside that shoves the ship against the wall. Some people say suction -- okay. It isn't suction.

If we knew we were eventually going to get this Lock within a reasonable period of time we wouldn't have to stop and our ship would be much easier to control and we could proceed into the Lock. Once we get the nose of a ship in the Lock the linesmen of the Seaway take over. They will take the lines to the lock for you, put them on the spiles that the lock master requires them to do and you stop the ship at the point that he says.

Q. And then it closes the doors of the lock and you leave the lock when you are told so by the lock Master?

A. When the lock Master tells us to, when he gets the signal from the Control Officer at each end he will tell you to proceed, and also tell you to be very careful and not touch the gates. If you have a ten or twenty thousand ton ship and going along a cement wall and he says don't touch those gates -- I don't know -- you do the best you can.

Q. We now proceed on chart Exhibit 458. Your ship is now out of Iroquois?

A. We are just coming out of Iroquois Locks. This same current that I spoke about at the other entrance of Iroquois now takes more meaning again. The gates of

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the Control dam were so constructed that they head directly across the river. The gates are probably -- I don't know the size of them, I would say about 24 feet long. Between each one -- there is probably about 15 or 18, something like that, inches. Because of the construction of the dam was such it heads - the control below is right across the river. This current comes out right straight across the river to buoy 108.

Q. Yes, as indicated in the chart.

A. On this point, that is at buoy 108 the current striking there is split. One part of the current goes direct from that point that sticks out there and is carried as indicated in red arrows to meet this outflow coming in. This circular motion is caused by the features of the land formations. The only thing that it does it puts a cross current at the very entrance to the approach wall westbound. It doesn't affect your eastbound, but it does affect your westbound very badly. The amount of the current is never known because of the conditions of a number of gates that are open in here. The other part of the current that goes down to the right eventually comes so that it hits this shore behind buoy 108 and makes a complete turn, complete circle around, and then it heads across to the south side of the river again striking this point. It is split on the point, one part goes to the west and the other part goes to the east and it comes back across the river again. This is marked as an anchorage area by the Seaway Authority. In this anchorage area ships don't hold very good. There is too much current.

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About a week ago two lake ships came down, the fog became very heavy, I made the wall above Iroquois Lock and they closed the canal and wouldn't allow us in and there were two lake ships that went into this anchorage and I heard them two or three times telling, I am heaving up to move ahead, anchorage will not hold, too much current there because it comes across. I mean large ships to come out of here you have to try to come around on a starboard rudder. When you get out across ways of the channel, the current is down on your beam and it will not come to the anchor. If you have a ship that engines answer good, rapidly, you can take her over in, back over to the south and eventually get around that way. There are a couple of cases where ships have gone ashore for this self-same reason, one of them happened to be a turbine.

COMMISSIONER SMITH: Why would they put an anchorage area in a place anchorage wouldn't properly hold the ship?

A. This area right here has no more room, there is no room for large ships. There is only room on the approach wall below the Iroquois Lock for one ship, one large size ship or medium size ship so that if three or four ships come up here or maybe one slow one and a couple of fast ones and they come up and get up here and there is no room. She has to anchor somewhere. The Pilotage Authority up until about a year ago, said you may come down -- you don't know the number of your ship until you get on this lock. It was very often happening when you arrived down there you would have six, seven inches

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more draught than what the Captain had told you. The explanation was oh the Engineer put water in coming across Lake Ontario. That is why it is, but we don't know. The only thing is the Lock Master checks on this particular point, the draught of the water. If the draught is more than the Seaway Authorities say is permissible -- last year there was one condition I should bring out, up until the spring in the Seaway the draught permissible in the Welland Canal was 25 feet six inches and the St. Lawrence Seaway was only 25 feet. The Masters who were going through would come down and you would say, well Captain you look a little too deep. Well, he would say, I am 25 feet 2, 25 - 3. Captain, that is too deep. You are not allowed. Oh, yes, I am. I came down the Welland Canal yesterday and nobody said anything to me. You try to say, Well Captain we will see when we get down, I am sorry. When he gets down here he would find the Lock Master would tell him. I can tell you one instance happened, they would order you to anchor here.

Q. Did you go to the Lock?

A. Once you get in the Lock, they couldn't put you back out because if they put you back out you would obstruct traffic downbound from the approach wall above.

Q. Yes?

A. They wouldn't put you back out they would say you go down and go to the anchorage, and that is called the big eddy. That is known as the big eddy locally. If you weren't in the habit of arguing with them you would go into the big eddy and if you went into

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the big eddy -- a ship that went, a turbine ship -- he went into that big eddy of anchorage because he was told to go in there on account of overdraught. If he had been some of the boys he wouldn't have gone in. He would have argued. We would say we won't go into anchor. I once threatened to leave a ship in the Lock. It was a bluff but it worked. It wasn't a good place to get out. There is a good anchorage down here further about ten miles down the river , little more than ten miles. It is called Weaver Point Anchorage Area. It is at Weaver's Point.

Q. By an island called Ault Island?

A. But here is the catch in this, if you will notice that just past Weaver Shoal, Weaver Shoal is at the west end of the anchorage you have say three calling points, calling point 10 and calling point 11 -- calling point 11 is where you call -- it is abreast of Bradford Point. It is where you call into Iroquois Lock westbound and all this area from up at Maitland Point. Call point 11 is a critical point. It is under the control of the Iroquois Lock. Calling point number 10 -- it is marked there, the arrow is pointing the other way. At that point you call to Iroquois and you come under the control of Iroquois -- no, Eisenhower Lock.

THE CHAIRMAN: You call to Eisenhower.

THE WITNESS: You come under the control of Eisenhower Lock. The reason they were wishing us to anchor over here in this big eddy which wasn't a good place was the fact that when we passed calling point 10

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we were no longer in the jurisdiction of Iroquois Lock. We left their District and we were in another area. Most of the boys now refuse. They will take them down here. It is a good anchorage, lots of room and not anchor in there.

Q. Do they let you go anywhere now?

A. No, no, there has been so much trouble -- they say go ahead. While, we are here they started the anchorages, they created an anchorage at Morrisburg, the Canadian Authorities. They never consulted any pilot from the Department as to whether it would be a safe anchorage. They said it is an anchorage there it is. They put some buoys around it . It is not a safe anchorage. It is not an anchorage big enough to turn a modern size ship around in, downbound. If you are westbound you can stop there but if there is any wind blowing at all she will not hold you there. We go way up here.

MR. LALONDE: The anchorage area indicated on the chart in blue dotted lines at Morrisburg. You are talking about currents going out of Iroquois Lock. I presume this is caused by the doors?

A. According to the doors of the damsopen in the area. We are now on Lake St. Louis which was created by the power development for the Hydro Electric. The water levels are controlled by them, nobody else. When we leave there we get down to Pinetree Point. We have a current at that particular place that runs practically with the channel. It could be a knot and a half to two knots. As you will notice in the different angles

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that you make, this current doesn't change quickly as your channel does. It varies across your channel in many directions. If you put all the arrows it might be a little confusing. This one here would be like that, and then you would get here it is the other way. The current coming down hits the shore, is deflected by the shore and goes across the other way but the actual channel, going down, it is changing angles quite rapidly. Now, this current that comes over in to hit that would be deflected on this shore and it comes back across, it is not completely the channel but it does cross the channel very very often.

Q. Yes.

A. As we proceed it never exceeds about two knots from here. As we come down past Mariatown you commence to get one spot where there is high water, thirty-one, thirty-two thirty feet. With this heavy current and heavy laden ship the tendency of your ship is to steer in this particular place is very bad, because you will notice this current, when you turn off Canada Island, the current is still on your stern and you are in that area with these shallow spots. Your ship is uneasy anyway. The current on your stern -- the first thing you know it is always a sheer - run the ship well back to the north at this particular spot. It always happens.

Q. Would you indicate the direction of the current?

A. The direction of the current -- the

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direction of the current is here, straight -- here you have an inflow that way, across.

Q. Towards the anchorage at Morrisburg?

A. Towards the anchorage at Morrisburg. Now, if in this particular spot the ships make that run there, if you happen to meet a ship coming up in this particular area at night time, the channel is narrow and you are close together and if it was at that critical point -- there have been many times that I know if a ship had been there I would have had a collision. There was nothing I could do about it. They wouldn't answer their rudders fast enough to account for this particular situation. So far there has been none there.

Q. Do ships anchor often in this anchorage area?

A. No. We almost all refuse to use it.

Q. I notice there is a red circle with a number 12 at Ogden Island a little further up river. Would you indicate what that is?

A. Number 12 -- I have to come down here. I told you number 11, at Cardinal Point.

Q. Yes?

A. Westbound ships must call in to Iroquois Point. They come under the control of the Iroquois Lock at this number 11. You give the same thing as you gave at Maitland, name of ship, draught, for and aft cargo difference. Then control tells you to proceed or slow down and when you come to calling point 12 you are to call him again. You call him again and this calling point

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12 is the same as we had up at Cardinal.

Q. The same procedure?

A. It is the same procedure. From here you take your turn to come into the Lock. We come down straight with the current practically with the channel to Doran Point. From Doran Point you will notice that all these courses are extremely short and the angling with the different courses are quite in extreme and many of the foreign masters especially say why should the Seaway have such a crooked snake trail. The answer was this was the natural bed of the river and when they converted the lake they only dredged it. It is the old section of the river and you are still following it. Where these new shoals were, previous to the opening of the Seaway were islands with many farms on them. They have been converted since so that all along this area you have got very shallow shoals. Now, we come to Doran Point and you have got a good stretch down to Gooseneck Island light 79. 79 is a very quick flashing white to indicate that this is the main turning spot, but the flash of the light is so fast that you can't judge your distance off that light and it is nothing but a pole up in the air like a flagpole. At night time you can't tell your distance without that light. The only thing go by is when you turn up at Doran you head close, head on the red light which it just on the other side, R78.

Q. Yes?

A. R78. Now, in this area you have an extreme fog area. It builds up in the lowland that is

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around here.

Q. That is on the north side?

A. On the north side, that is right, and a slight breeze off the north shuts in. There are many pilots never come around here and never seen this light 79 at all.

Q. You mean 78?

A. 78. You never would see it at all. You see the other lights but you wouldn't see this because this area in here builds up fog very quickly. I don't know why, but it does.

After you pass-the current is practically straight with the channel all the way down from here past Chrysler Island except when you get down abreast of calling point 11, 10 and 11, the current coming out of this area is across the channel, slightly across the channel.

Q. Now you have reached calling point 10. I suppose it is the same procedure as before?

A. Except you call Eisenhower.

Q. Is that the first time you call Eisenhower?

A. That is right, that is the first time. Now, theoretically or according to regulations in order to get a relief for ourselves, a pilot to come off at Snell Lock we must give the pilot two hours notice. The pilot is entitled to two hours notice for the job. If he is in bed he has a chance to get up, get dressed. He has a twenty mile drive from Cornwall to Snell Lock.

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This point here is approximately two hours from Snell Lock provided that everything goes right, you don't lose lockage. When you call in here, when you call Eisenhower Lock you ask them what the traffic situation is like. Most of the time he will say, well, normal. That is all very well. You say that should be two hours or two and a half hours, so you call, you send a message through the station here at Iroquois. It is the land station, V.D.Q. Cardinal. It is the same as any radio communication station. If you can contact him you are all right. If you can't contact him, well you simply just keep on trying. When you get past this point and you get down where you are coming into, we will say to get down to Eisenhower Lock, this V.D.Q. is a commercial station and is supposed to handle all land traffic. The canal authorities don't want to be bothered with the pilot situation. That is to say that a pilot gets there or not -- the only thing they want to be sure is that a pilot is there when a ship gets in the lock, no matter how long he is.

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If he isn't through there, down the pilot's neck but they don't help you too much until you get there. You get some English. If you get in the Eisenhower Lock and you have not been able to contact V.D.Q. Cardinal, the only thing we can do is tell the control officer if you don't assist me, you won't have any pilot there, so when we get in the Lock, canal, it will be close and he will call there. He has got a land line there. All he has got to do is press a couple of buttons. It's policy.

Q. His land line, it is not connected with the Pilotage Station is it?

A. Yes.

Q. It's an ordinary phone?

A. They got a direct line.

Q. With the Pilotage Station?

A. Because the pilot group, it was costing so much money to put in private calls, the number one District pilots went and paid for a private line from the American side to the office in Cornwall so all he has to do is dial the number.

Q. Okay, now as far as ships at calling point 10, it is the same thing?

A. Same thing.

Q. I think you were at calling point 11?

A. Yes. He will tell you here---

MR. LALONDE: Do you want to adjourn now my lord, or do you want to proceed until 4:30?

THE CHAIRMAN: Another five minutes.

A. He will tell you here after you have

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given the particulars to him, he will tell you whether you should proceed or slow down or some information like that. Also he will tell you to call again at Richards Point. We will come to that in a little while but this is the main and only anchorage that is safe from the time that you have left Prescott Anchorage about twenty-five miles or thirty miles above here.

Q. That is anchorage by Aule Island?

A. They call it Weaverway Anchorage. These other places, there are many places in extremes when -- it was a question of the radar going out, or something like that, you would turn your ship but outside of some extreme areas like that, it is the last resort. You wouldn't do it.

Q. Anything special as to the channel?

A. No. The channel is just -- the current is light in this particular place. As we come below Weaver Point you will notice that the depth of water shown increased tremendously. The depth of water comes -- we are coming down now to the bottom of the old river bed and a few miles below here the current of the old river was raised 90 feet and that is what gives the drop to the Hydro Electric Development.

Q. We are now on chart Exhibit 457.

A. We are down at Cat Island at the extreme west end. After you go past Cat Island I draw your attention to this point over here that is already marked (indicating).

Q. In green?

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A. It's the Power Development.

Q. Called the St. Lawrence Power Dam?

A. St. Lawrence Power Dam. The current of the river, because this water is drawn through -- the development 1,200,000 horsepower a year, the flow of the river is drawn over through this area, so that it comes down---

Q. This is north of the channel through the various islands?

A. Yes. Through the various islands. The dominant flow of the river is to the north through these islands down to just above the power development. When we turn the green light, number 57, we got a straight course of about six miles to Eisenhower Lock. A modern sized ship, or a couple, can go and anchor at this point but when you get to where number 9 is there, calling point 9, that is Richards Point and that is where you come into your narrow channel again. From there on there is no place that you can possibly stop.

When you come to buoy B49, if you will notice you have a deep area to the south and the water flows, the pressure of the water is less in the deep water area and the water will flow into this deep area. At buoy 49 the set is quite strong on the starboard hand bow. When you get down half a mile and you get in where you get a dredged area, that current is lost. You get the current then directly with the channel excepting that this current that comes in at buoy 49 follows around behind the islands and comes out at Massena Oil Terminal, so

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that you have a current that is almost directly across the channel at this particular place which runs between two and three knots.

Now because you are in a very narrow channel, your ship is checked down, at a reduced speed and when you come in here, when this current hits you, your bow will be shoved to the left and then after you get by, your stern is shoved to the left. If you happen to be waiting or trying to hold off for a ship to clear Eisenhower Lock, so that you can have room on the pier to tie up to, because there is no place you can anchor, you will check down there. When you are there you want to be very careful, otherwise you will end up against this (indicating).

Q. "This"?

A. Against this light 46. It's the Island, the light 46. There is no name on it. I had that happen to me last year. I was coming up on a foreign ship and there was one tied on the wall above Eisenhower and there was one of the large lake ships coming down. As I proceeded up the channel he blew me one blast which meant that we were going to pass port to port on our own starboard side of the channel. I answered him and then as I watched him, when I got to here (indicating), he was just crossing this area, when I got up here (indicating).

Q. That is by---?

A. By Massena Oil Terminal. It's near light G45.

Q. You were---?

A. I was upbound, coming upbound. He was

ENGLISH

coming down. He reduced speed waiting for this pier to clear. When I come out of the lock, the ship on this pier was in the lock so he would be---

Q. This pier is the approach of Eisenhower Lock?

A. That is right. We had blown passing signals but I noticed that he was going over to the north side of the channel so I called him on the radio phone. I asked him, I said Captain didn't you blow me one blast? He said yes, I did. I said Captain you are on the north side of the channel now. So there was nothing said for a moment. He come back and he said sorry, will you give me two, the current happened, the current did happen. There was nothing you could do about it. I passed him to the south.

---Short recess.

---Following short recess.

MR. JACQUES: Before we resume, my lord, in connection with the SILVER ISLE and PRINCE ALEXANDER collision, I have a photocopy of the report by the investigating officer which is to be filed as Exhibit 824. The number of the Exhibit was reserved. A transcript of evidence is not attached to this document. I understand it is quite bulky but I am sure that if anyone needs it, Mr. Brisset will be able to let him have it.

MR. LALONDE: I understand my lord that there would have been a report also of the Canadian Department

ENGLISH

of Transport?

MR. BRISSET: Not a public report my lord. The representative of the Department of Transport, Captain Gendron, attended in Kingston. There was also the inquiry of the U.S. Coastguard.

MR. LALONDE: Thank you very much.

DIRECT EXAMINATION BY MR. LALONDE CONTINUED:

Q. Captain Davis you were approaching Eisenhower Lock I understand?

A. Yes.

Q. Would you continue your explanations?

A. Once we have passed down past Massena Oil Terminal, about a mile farther down we commence to lose any current. It becomes slack water as you go down to the lock. This approach pier is quite short and it's on the northwest side of the channel. Now it's a difficult situation because our prevailing winds are from the west in these latitudes. When we come down towards this lock, and we have to tie up on it, it doesn't show here quite as much but the angle that we approach the end of the wall is quite sharp.

With a large ship you have quite a time to make the angle and come around to be parallel with it. It is not quite as noticeable on the chart as it is in practice.

As you approach this wall it's only about nine hundred feet long, not over that, if there happens to be a westerly wind blowing, and you go to back up your

ENGLISH

engines, you have to depend on the bridge of the ship, that is, I back up, and the stern will go to port and the bow will go to starboard to come parallel because you haven't got water directly out behind it, extension of it to make a parallel approach. There is a situation here that is also quite complicated. This lock, or the two American locks are very efficient. The locks will fill with I think it's thirty-three million gallons of water in six minutes and it will also empty in six minutes.

Now this has a bearing as I will try and relate later, but this large amount of water going into this lock right along from the entrance, upper gates, creates a current that runs down the wall, runs down parallel. Because of this wall that is built here the water can't come in from the side. It will come in from the south side to it but then your flow of water, this huge amount of water going in must flow down, so this solid wall, it follows the wall down. If you are making this wall when they are filling that lock, you can be in serious difficulty. One ship coming down, I can't tell you, with the lock filling, when he went to make the end of the wall---

Q. Were you aboard that ship?

A. I was not aboard.

Q. Then let's leave it. Were you present?

A. No. I saw the ship a little later on. I wasn't there then.

Q. That is not very good then.

A. You make the wall and you go into this

ENGLISH

lock. You have to put your own men out, if you are making the approach wall. If you can go right in.-- once you go past the gates, the upper gates, the canal people will take your lines. Now there is one thing I will give credit for here. If you think that there is too much wind blowing or something, and you ask the dispatcher, they will send an automobile with men in it up along either one of these approach walls in order to take your lines and assist you. That has been done and they will do it. The only thing is that they cannot leave, if they are moving a ship in the chamber, they have got to wait until they finish that. They couldn't have enough men to go to both walls, above and below at once. Just at light number 41, you will notice that there are three or four little squares in there. Those are mooring cells. If by any chance a ship had come down in past Richards Point, or the anchorage there, there was no place for her to stop, when she got down inside of this Richards Point something would happen to the lock, she was no longer operative, there would be a ship on the wall above, this ship would hav e no place to go, so this is an emergency mooring cell that they have put in at the present time. They used to have catwalks that ran from one to the other but the ice tore them out and they have not been replaced but in an emergency that was the only thing you could do passing there.

You come in the lock, you were lowered in the lock, as I said before, six minutes; from the time the gates close until the lock is empty. Remember where you

ENGLISH

have such a narrow area of channel just below the lock and you have thirty-three million gallons of water dropping in six minutes, it's like you taking a hose and putting it in a little water gutter when there is normal water running down the gutter. When you turn the hose on the water rises a considerable amount. That body of water flows down between these two locks in a band. It's higher than the other. It doesn't gradually come up. It goes in a wall down.

You have left the Eisenhower lock now and three miles down here to Snell. There is no current in this at all. It's slack water between these locks except for this emptying of this great body of water in such a short period of time. If it goes down -- there is no overflow -- there is an overflow but it's quite high because if they let it go too much and then they empty the lock, fill the lock of the corresponding up here, your water level would be too low. Notice it's only 27 feet in this channel between the two locks. It's only a 27 foot depth channel. Our contention is that this body of water goes down, strikes down at the other end and you have got a surge in that level. The engineers say that they don't think so. Well we have nothing to prove it is right but we do know that when we get down to this approach wall above Eisenhower we have a hard time to make that pier. It's the same thing all over again. The angle of the pier doesn't give you room to make a too acute angle that you are coming in. They give us the lock and we get into it and hope the number two District

ENGLISH

pilot from Cornwall, rather the Cornwall-Montreal District pilot is there to relieve us.

Q. If a Cornwall pilot is not there, does the ship wait in the lock?

A. There is no other place she can go. The Seaway is tied up until he is there.

Q. You get off in the lock at Snell?

A. We get off in the lock at Snell on the north side. You go into the office there, statistical office and post office. In fact, it's the only post office on the Seaway, the St. Lawrence Seaway. You sign a book and you come out and you get into a taxicab and the taxicab does not stop until he comes out -- he takes you all the way up to the -- underneath the Eisenhower Lock and back down again and then back across this way (indicating) to the high level bridge to Cornwall. That is 20 miles.

If they would let us -- now this also is hearsay, the taxi people told us that if they would let us cross the lock at Snell and get in the taxi on the south side of the lock we would be half the distance. I have never been over that myself.

When you get over -- there is one other thing we should draw your attention to. Before I board the ship at Alexander Point, there is a file there that has all the latest Notice to Mariners in the little house at Alexander Point and there is also the same file in this office at Snell so that if you do not get up to the Dispatching Office in Cornwall or over at Cape Vincent, the latest Notice to Mariners are there posted.

ENGLISH

Q. Now if you are upbound, do you have any effect, or control valve or anything at the Eisenhower Lock like there was at Snell Lock for the Cornwall pilots?

A. I don't know what effect the Cornwall pilots -- I don't know about that. When you get up here there is an automatic valve below that comes from above -- or bypass I should say Eisenhower Lock. That is supposed to raise this level if it goes down. If there was a couple of lockages, ships coming up without lockage through the Eisenhower Lock, this water would be lowered corresponding. Now if it goes down, this automatic valve is supposed to open and raise this level again but there have been complaints that this valve automatically has caused damage or has been a contributory factor to trouble ships have on the approach wall of Eisenhower.

Now they told me that is no longer an automatic valve. That it is supposed to be controlled by the Lock Master. Whether it is or not, I don't know.

Q. How many miles do you have from Snell Lock to Cape Vincent?

A. 103.

Q. Do you have harbours where you take ships to, or is it a direct through service?

A. No. You have quite a number of harbours. You have the first one westbound here at Massena Oil Terminal.

Q. Would you indicate it by an X in green on chart Exhibit 457?

A. The ships going into Massena Oil

ENGLISH

Terminal, most of them are eastbound. They are the Amco Indiana and the Amco Illinois. They come down with oil for this terminal from the Great Lakes, Chicago, or one of those places. They are ships of about a little more than 400 feet in length. To bring them in here is a very ticklish manoeuvre. You have to have them going slow enough in order to make this bend with the current that is behind you.

When you come to this island and you go to go around it, well that is a radar reflector can buoy but I am sorry to say that is not there now.

Q. Not there now?

A. No. Hasn't been for a number of months. Carried away.

Q. Was it there in May of this year?

A. Yes, it was there in May. Well whether it was carried away or what happened, it has only been there a year or so, it is gone. You come down when you go to make your swing, you have to be hard to starboard helm, you put her hard over and come full ahead on your engines as soon as the ship starts her swing and comes around and heading about 45 degrees parallel with the channel, you drop your starboard anchor with one shackle to one shackle and put your engines full astern.

The reason you have to do that is this current that is coming down inside here, that crosses this channel two to three knots---

Q. Inside of here doesn't tell me where it is.

ENGLISH

A. There is no name for the island.

Q. Between the south shore -- between Massena Terminal and the island on the south side of the Seaway channel.

You have a wharf there?

A. You have three little piers there shown on your chart. Three little piers; when your ship comes around and as your speed is taken off by the backing of the engine, the anchor will pull your bow until you will end up heading the current and then you let her drop against the pier.

ENGLISH

Q. Is there any other place where you take ships in your District?

A. We proceed west.

Q. Upbound?

A. Not until you come up to Prescott. It it the next chart.

Q. Chart number 459?

A. The next one I think -- no, too far.

Q. Chart Exhibit 459?

A. When we have come up to the Johnstown Bridge, a mile above Johnstown Bridge you have the Lower Lakes Terminals.

Q. Yes?

A. The Lower Lake Elevators is a very bad place to go with a loaded ship downbound because the current is down across the entrance of the pier and you have got outside about, you have 22 feet shoal. The current running down in here is about two knots. With a large ship you have to come down and put your nose in and drift down with the current, but you can't have a head wind because you want your nose to be still outside this end of the pier. The unloading side is on the north slip. You have 27 feet of water, but right at the very end you only have 23 feet of water. If you wait until the last of the elevator or this slip is opened up your ship will have too much side set and she will set up across the end of the pier before you get her in. When you come down you try to bring your ship in with the stern slightly up river, up against the current so that

ENGLISH

when you make your last manoeuvre, the bow of your ship is probably one hundred feet in past the end. If you can't we have to moor on the north side and there is another ship slip which has happened to me because the ship has a stern anchor -- when you get your nose just started in you have only got the length of the ship from the end of the pier and if there are two lake ships in there you only have the length of one so to get her out you will get her nose inside and when your ship has dropped down so it is only slightly above line you drop your stern anchor and the stern anchor will ease the head down sideways against the face of the pier. You will notice just below here you have 22 feet of water. This is quite a large scale map. You can't let your stern drop down too much. If you do you will be in trouble. The loading side is in the west side of the elevator and it is about the same procedure, there isn't much difference. The loading side is in the west side. There is also what is called the Oil Terminal. That is on the face of the west part, 27 feet of water.

Q. Any other place where you take a ship to, or is this the only place?

A. This is the only place you can take a deep ship to. There are a few other places here where we used to take in self unloaders. There was the coaling berth.

Q. At the present time?

A. At the present time it isn't there. On the opposite side of the river at Ogdenberg you have

ENGLISH

two areas, one area is the Hall Corporation Oil Terminal or the Hull Corporation, but it is in this channel side here. You will take a ship in there for unloading coal. This happened a few times lately, and also you have another very small dock up here at the Texas Company at Oswegatchee River. This dock is only about 100 feet long. To come in to that you come in from the upper entrance. When you get in there the outflow there, the Oswegatchee River in the spring of the year is very strong. It is not a long river and after a heavy rain you have got a great outflow there. When you come there the only way you can load -- you must turn your ship around to load it. You can't leave it for loading. If you can't turn before loading you will never get it turned afterwards. There are no tugs. You must do it yourself.

Q. Was there any tug at Prescott?

A. No, there is no tug there. In fact to illustrate that, about ten days ago I came down with a tow that was going to Philadelphia. There was a tug and a dredge and she came down through the Welland Canal and when we got to the Iroquois Lock they stopped me and they said you can't go through. It turned out that the combined width -- there is a regulation the tug must go alongside the dredge and it developed that the combined width of the dredge and the tug could be 72 feet and we were 76 feet so they refused to allow us to go through. We were on the end of the wall just above the lock and they told us to get tugs or take the ship back to above Prescott. We contacted a man in Brockville and he said

ENGLISH

he would have a tug for us. This was about two o'clock in the morning. He called back and said they haven't any tugs, the only place you can get a tug is Kingston or Montreal. The company decided to bring a tug from Montreal to Iroquois to assist, one ahead of the other, going down. The only thing, the pilot is never considered. They weren't allowed to leave there because being on the end of this approach wall at Iroquois Lock we were obstructing traffic to a certain extent. If the authorities found too many ships were coming down and they couldn't get around us they would order us then to go back up here.

Q. You have tugs in Montreal and Kingston, have you any others?

A. That is the only place you could get them. They wouldn't let me go up. The result is the pilot was on board 36 hours. The tug had a double crew because they were going to Philadelphia. A table is a good bed.

Q. I notice Cardinal on that chart, do you stop at Cardinal and dock ships at Cardinal?

A. I forgot Cardinal. You have the Canada Starch ships there. You can't take a deep draught ship there. I think they will go about 18 feet.

Q. Brockville, do you dock ships at Brockville?

A. Yes, you dock ships at Brockville.

Q. That is further up?

A. That is further up. There is one also above Ogdenberg at Madden Terminals.

ENGLISH

Q. It is called Acta(?) Products Incorporated.

A. It isn't their dock. At the upper end of this there is a dock we tie to.

Q. Do you take ships to Morrisburg?

A. No. As I said we take ships into Brockville, the Pipeline Company, Central Canadian Coal Company. The draught- there is about 20 feet of water at the lower end of the dock and about 13 feet of water at the top so you let her bow out at the current and her stern at the dock.

Q. Up from this?

A. There is nothing on that chart. At Clayton there is a coaling station which we go to. The dock is good there. It was limited to about 20 feet of water, but I understand it has been blasted to 23 feet of water at the dock, but we haven't had official word of it yet.

Q. I notice that we passed this anchorage where Commissioner Smith asked you whether there were any improvements?

A. Yes.

Q. You mentioned you wanted to add something to this?

A. I think your honour spoke about Canadian middle channel -- years ago when the survey was made they issued some -- I don't think it was Dominion Marine, but the parallel group from Cleveland.

MR. MASON: Lake carriers.

THE WITNESS: Issued a number of charts, a

ENGLISH

book showing the courses and they said that this middle channel would eventually be developed the same as in the St. Mary River so that there would be an up and down channel. It could be done. There were a few places that had been widened. You would come in by way of Kingston instead of by Cape Vincent. There is no more unless you want to take this up a little further.

Q. The next harbour you are taking ships to---?

A. From Clayton -- the next one would be Kingston. If you are going to Kingston when you arrived at the foot of Wolfe Island -- they are now deepening it, the Federal Government has deepened this channel to 23 feet. It used to be only 16 feet of water there.

Q. Yes.

A. They have now taken it to 23 feet and you can take a ship across Wolfe Island up to the head of Howe Island, up to the head of Howe Island and then across to the north of Coldbath Shoal and then proceed roughly up to Knapp Point up to Cedar Island. From Cedar Island we would come then to the harbour of Kingston.

Q. You will take a ship to several places in the harbour, Kingston harbour?

A. Yes, there are quite a few places.

MR. LALONDE: I think his lordship would prefer to leave those for the next hearing.

THE CHAIRMAN: Yes, I think we will be too long to do those now. We will adjourn till Monday the 9th of December at ten o'clock in the International

ENGLISH

Civil Aviation Building. It is also called the Airline Building at the corner of Dorchester and University. It will be in Council Chambers number 1 on the 10th floor. It is by the Queen Elizabeth Hotel, in the same block. Ten o'clock, Council Chambers, number 1.

--WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 AM.,
MONDAY, THE 9TH DAY OF DECEMBER, 1963,
--AT THE I.C.A.O. BUILDING,
MONTREAL.

* * * *

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL

P.Q.

VOLUME No.:

89A

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THE ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held at the Old Courthouse Building, Montreal, Quebec, on Monday, the 9th day of December, 1963.

C O M M I S S I O N

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilber Nadeau	Secretary

COMMISSION COUNSEL

Mr. Maurice Jacques

PRESENT

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. C. Mason	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.

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/RPS English

---ON COMMENCING AT 10:00 A.M.

THE CHAIRMAN: Gentlemen, our week's recess was darkened by the sudden and tragic death of our Nautical Adviser, Captain J.S. Scott. It was only Tuesday that I had the awful news, when I received a copy of the letter that our Secretary had written to Mrs. Scott. It was for me a terrible shock as by then I felt sure that our group had been altogether spared.

I was sure that Mr. Renwick was on the previous flight, and that Mr. Smith was travelling by rail and that our reporters and Captain Scott had been hopelessly delayed by the traffic, as Mr. Mason, Mr. Jacques and I were. I did not know that Captain Scott had had to leave earlier in order to gather his luggage at the hotel. I was completely reassured Saturday morning when I read an incomplete casualty list on which there was none I knew. Saturday morning Mr. Bedard called me for some news and I reassured him. One Quebec newspaper never mentioned Captain Scott in the casualty list and the other quoted his name and address wrongly.

Therefore, it was quite a shock for me when I read on Tuesday Mr. Nadeau's letter. I felt that I had lost not only an associate, a close friend but almost one of my family. For almost a year now we have lived with Captain Scott. We had enjoyed his company and good humour. We also had met his charming wife on the occasion of the C.D. HOWE trip and the

English
hearings in Quebec.

The unexpected news of his death was almost impossible to accept; too hard to believe. With his departure the Commission is also missing an able adviser on whom my colleagues and I were counting very much to help and guide us when drafting our report.

In the name of the Commission and of you all, I wish to reiterate to Mrs. Scott our deepest sympathy.

MR. BRISSET: My lord, Mr. Commissioners, in the name of all counsel I want to add a few words. I can assure everybody here that we went through all the same moments of anxiety until the very sad news was confirmed. I would like to join your lordship and the Commissioners in expressing our deepest sympathy to Mr. Scott's family. He had grown with us during these years and we had very great esteem for him and his very congenial way of dealing with us.

MR. HAMELIN: My lord, on behalf of the pilots I would also like to express our deepest sympathy to Mrs. Scott for this terrible loss of hers.

THE CHAIRMAN: For your information I may add that I have assured Mrs. Scott that the Commission and its staff, and I am sure all of you also, that anything she may need, any help she may need from us here in Montreal or in Ottawa, that we will give her.

You may now proceed. Now I was informed, I think this was not said before, that when you wish to speak in French, and if the examination is going on

English in French, the one who wants to speak will have to raise his hand so that the engineer over there will have to switch to your microphone. Otherwise, your microphone is not branched on.

CAPTAIN THOMAS L. DAVIS, Re-Sworn

THE SECRETARY: What is your occupation please?

THE WITNESS: Pilot.

THE SECRETARY: In what District?

THE WITNESS: District No. 1.

CONTINUATION OF DIRECT EXAMINATION BY MR. LALONDE:

Q. Captain Davis at the last session you were, I believe, explaining the various harbours which are found in your District, that is the Kingston District, from Kingston to Cornwall. I am not quite sure how far we had reached, but do you remember yourself?

A. Cedar Island. At the last time, a week ago Friday, we were on the channel from the foot -- the Canadian channel from the foot of Wolfe Island to Kingston and we were up to the upper end of Howe Island. There was no particular thing to be noted through there except the crossing of a submarine cable from the upper end of Howe Island to Oak Point.

After you pass buoy B45T, Cold Bath Shoal, there is nothing to bother you until you come up

English

to Knapp Point, and at Knapp Point, at each side of the Point there is another submarine cable went over to the main shore, to the north.

From there up to Cedar Island it is a straight course with good water and there is very little to bother you.

Q. If you wish, we might switch over to chart Exhibit 465. That is the Kingston Harbour chart bearing number 1459.

A. From Cedar Island, if you are going to the direct west end of the District, there is nothing to bother you. After you go in close, reasonably close to the main shore, there are two shoals out here, Myles Shoal and Penitentiary Shoal. Myles Shoal only has a stake on it and in foggy weather that is a spot that can be confusing.

One thing I should draw to the attention of the Commission here is that if you have not got a gyrocompass you are in trouble. This is an area of extreme magnetic disturbance. The normal for this section of the lakes is about 11 to 12 degrees of variation. In this particular area it is supposed to be betweeen 22 and 23 degrees. Now mineral deposits, they claim to be in this particular place. If you have not got a gyrocompass in bad weather, you are in trouble because it changes so rapidly. This will not extend, the outside edge of this extends over 10 miles to the entrance of Cape Vincent where we started down the River.

English

After you pass the Penitentiary Shoal, it isn't on this chart here. The line runs from here across to the west end (indicating).

Q. By "here" you mean what?

A. Well from Carruthers Point a hundred and twenty-seven degrees true is the west entrance.

Q. Would you indicate in blue on this chart the approximate limits of your District as set out in the By-Law regulating your District?

A. Well this is only going to be approximate because I haven't got the parallel rules, but this is about that (indicating). The line crosses there as shown on the other chart.

Now in Kingston Harbour you have actually two harbours. One harbour is the inner harbour which is the outlet of the Cataraqui River. It is very shoal, as you can see all the way through here. There is a channel in which you can take 17 feet of water in through the causeway into the oil terminals. This is just to the west of the entrance of the causeway. The causeway -- No. 2 Highway goes across it.

Q. And this is shown as oiling dock on the chart?

A. There is very limited water below. You have extreme trouble turning around if there is any wind blowing in that locality at that time when you are trying to come out, especially a light ship.

You have another dock shown as marine now, it used to be the Canada Steamship Line docks in which

English

you had 16 feet of water to go to. There was also another one at the foot of -- used to be called Richardson Dock. Used to be called Richardson Elevator there. Not there any longer. Still called the Richardson Wharf. It only shows eleven feet of water there too. There was 15 feet of water there because I have been in there many times.

Q. You said there is still 15 feet?

A. Yes. The Kingston Shipyards is right -- the first dock when you are going down in there. There has been in the last few years three ships that have grounded at the end of this shoal going in and they call it Carruthers Shoal. They did not have pilots on, I may say.

At the outside extreme end you have the Kingston elevators and the Richardson Wharf. Now this has got the same name, same company owned both of them. This is the one that is used most extensively; meet with most of the deep-sea ships. There is 19 feet of water.

Q. Would you circle in blue this area which is called the Kingston elevator?

A. That is marked on here.

Q. The whole area?

A. Yes. There is 19 feet of water over into the Richardson Wharf but it is mud and it silts up with the wave action, with the southwest breeze. You got the open lake right outside here and it is very exposed and we think it's the silting process. Many of

English

the ships find it extremely difficult to get close against the dock. Very often if you come in and you can see by the end of the shoal that you have to make a very sharp angle to get in there, if you try to make it about
A2 halfway up the dock, as you would be normally coming in with a ship of any size, you can't get your stern or the rear end of the ship up to the dock. There is only one answer. It must be soft mud that has silted up in there because ships have had to go back out again and start over again and put their nose against the dock at the outside of it and then dredge her way up along the dock.

There is two more submarine cables from Kingston across to Wolfe Island that we have crossed over already. Outside of that I think that's about all.

Q. Outside the District itself is this a submarine cable also?

A. Yes, just outside the limits. That is going over to Simcoe Island.

Q. Now where do most ships pass when they go to the Lakes, or come from the Lakes?

A. The majority of ships pass by Cape Vincent and that has always been. The approach to Cape Vincent is a little easier than it is coming by way of Kingston. In the olden days, before the gyro-compass this area of extreme magnetism, most captains stayed away from it, if they possibly could, because if you get caught in bad weather, you were in trouble.

Q. Before you had the arrangements with

English

the United States about the establishment of a Pilotage Station at Cape Vincent, did all ships pass by the northern channel or pass by the south?

A. All ships coming through the canals came by way of Kingston. The deeper ships that couldn't go through the canal went over and boarded them from Horne's Point but there wasn't very many. Most of the foreign ships were coming by way of Kingston at that time.

Q. How deep is it in the northern channel?

A. 23 feet now. It's controlled by the deep water at the channel, at the foot of Wolfe Island. There is no place else that is controlled by. At that time it only used to be 16 feet. Since that there is 23 feet. That was 1960, in the fall of 1960 I think it was swept when the dredging was complete.

Q. Have you mentioned all the harbours which are in your District by now?

A. In No. 1 District, yes. If you are only going to include that, but where we have to go includes a lot more. Which do you wish? Just in the District?

Q. I am sorry, would you just indicate -- you mentioned during the last days of your examination that you were called upon once and a while to go still in Lake Ontario?

A. Yes.

Q. So would you just enumerate the harbours where you have to take ships?

English

A. I have been into Oshawa, Toronto, Hamilton. I have never had to take a foreign ship into Rochester, Oswego. They do go there.

Q. Are there any particular things you have to ask the masters of the ship when you board the ship either at Cape Vincent or at Snell Lock? Is there any particular procedure you follow?

A. Draught of water. The kind of propulson he has, whether it would be diesel, turbine or the ordinary quadruple engine. If he has his anchors prepared. If he has an AB on the wheel or a reliable wheelsman. His speed at the various movements. That is, if his speed is at 15 or 13 knots at full, what he would have at half and at slow and at dead slow because many of the ships, their dead slow is much faster than what you would normally expect. The error in his gyrocompass or in his compasses, whichever he may be using. If his radar is working satisfactorily. If they have had any trouble lately. I think that's about it, and I said draught of the ship.

Q. I think you mentioned before the width of the channel at various places. Could you state what is the widest -- how wide is the channel in its widest part and how narrow it is in its narrowest part, approximately?

A. Well I take it from that you mean in a dredged channel?

Q. Yes?

A. If it is a channel that is dredged with

English

two banks, the minimum width at the bottom is 200 feet. At the surface it's 225 feet. In a channel with only one bank, it will be 300 feet width, minimum at the bottom, and all other channels are 450 feet minimum.

Q. And it might go up to half a mile?

A. Well that wouldn't be a dredged channel. Any dredged channel it wouldn't go any farther than your 450 feet. Should I say as yet. We hope that they will be wider in the future, someday.

Q. When you are called upon to take a pilot on board at Kingston by the northern channel, where do you board the vessel, approximately? Would you make a blue circle on the chart indicating with a B as the boarding area?

A. Approximately it's off the fixed red light. That is off the Kingston Shipyards. There is no number on that buoy so I cannot give you a number for it.

Q. Now when you are aboard a ship, whom are you passing your orders to? To the wheelsman? To an officer? To the master on board the ship? Who is generally there to help you and to be of assistance to you?

A. Well you give the orders -- if the master has not got a man at the wheel who understands your language, he must provide an officer or somebody who repeats that for him. That is his responsibility, not yours. You can't tell him what he is going to do. If he don't do it, you do the best you can. You make

English motions with your hands which side you want the man to turn the wheel.

Q. In your experience have you had any difficulty with wheelsmen who wouldn't know the language?

A. Very much so. Very much so. In ships that trade here any considerable length of time, there is no trouble because most of them understand the language very well and in fact, you will find that the northern ships, ships from the northern countries of Europe are very proficient. Most of the trouble that I have found has been in ships from around the Mediterranean, that they do not seem to be quite as efficient. Maybe they change them more, I don't know, but the officers as a rule are all required to pass an examination in English before they get their licence in Europe.

Q. Will you state how many miles of dredged channel you have in your District?

A. Dredged channel actually, this is kind of a two-sided question. Actually there is only about 12 miles of actual dredged channel. There is about 35 miles and you would say that the same thing; you take through the narrows where it is not a dredged channel but it is a minimum width channel of 450 feet, it's about 35 miles.

/PRS

English

Q. Are all ships equipped with accommodation ladders in your District -- are they required to have them?

A. I can't answer that, whether they are required to have them or not. Many do have them. Few of them are used. In fact, it is only 10 days ago a ship came along with a very high side and I asked if they would have the accommodation ladder ready. So, it was not ready and when the ship gets into narrow water, which you have on Cape Vincent, she cannot stop. There is no room to turn. The only thing was try to go up a very shaky rope ladder. I asked the master when I arrived on the scene. The answer I got was it was nighttime and his crew had bolted up the companion ladder for the Seaway.

Q. Was it the first time that an incident like this occurred?

A. The first time it had been told.

Q. Is it the first time you could not get the accommodation ladder aboard the ship?

A. I never asked for any other ship, never actually asked for one. This was the first time it was actually done.

Q. Is there any particular utility or usefulness in your District -- in the Lake Ontario entrance?

A. If you have a ship that is very high sided and you have to go up 50, 60 feet and especially inthe fall of the year when you have considerable spray

English

flying -- there has been one case where a pilot was lost because the ladder was covered with ice late in the fall. If it is icy, a man can hang on to a rope for a little while but not too long. He has not got the strength. He has to put too much effort into it. So, the companion letter would be very well. There are times when you could not use it -- if there was too much sea and you cannot turn your ship you cannot use it. Those are extreme cases.

Q. They use stern anchors in your District. Are they of any particular use in your experience?

A. Yes, I would say so.

Q. Have you used them yourself?

A. Yes. One particular case -- one of the big Patterson ships going into Prescott elevator, having to make the north pier as a second ship at the extreme outside end of it, the current, as I explained before, sets down very hard across the end. In order to stop the ship the captain did not want to go in, in the first place. He said I do not want to make it on the second, and he said I went in too hard last time.

I said, Captain you can do it quite easily.

He said, how?

When you get your nose in, drop your stern anchor and you will slide in without crushing an egg. And he done it. In more than 75 per cent of our District, you cannot turn a large ship. In many of them you can drop your stern anchor and it will keep your

English

ship from swinging. If she swings around in a channel not wide enough, you may have her stopped but she will block the channel.

Q. Have you experienced any dead spots for radio communication in your District?

A. Yes. There are two or three, not permanent, depending on weather conditions. Sometimes where you will find a dead spot at this particular time, maybe a few hours later somebody else can get up through it. It depends upon how high your ceiling goes that your radio waves are rebounded back from.

There is one very bad one right below the Thousand Island Bridge. That could be caused by the steel over the Thousand Island Bridge. I have found that any place where you have electric cables crossing overhead, power-carrying cables, transmission cables, you also have a blind spot on both sides of it.

Q. Have you experienced any ice in your District?

A. In the spring of the year it is usually sometimes quite heavy up around Kingston. Usually not at the lower end of the District. The last part of the channel to open is on the north side of Wolfe Island up to Kingston. In fact I have gone down on the south channel without any ice and coming back a day later I found two feet of ice between the foot of Wolfe Island and the upper end of Howe Island.

Q. What is the approximate duration of a trip in your District? I may have asked you the last

English
time but I am not sure.

A. Average?

Q. I will ask you, with a fast ship how long does it take you, and with a slow ship. What is the minimum and maximum duration? Suppose you have a normal trip without exceptional weather?

A. You must remember in our District it is the locks more than the ordinary trip that makes your delays. If you come down to any one of the locks and you just miss getting that lock, a ship coming in the opposite direction may be a little bit closerthan you are for some reason or other, possibly the traffic is building up on the opposite side that you are on and the dispatcher decides he will put a couple of lockages through before you are taken. You may lose an hour for each lockage. I would say that our average time is probably about 11-1/2 hours. I have no figures on that. I am just giving my own estimation.

Q. I am showing you paragraphs 100 to 112 in the brief submitted to this Commission by the Federation of St. Lawrence River Pilots. These paragraphs make a summary description of the Cornwall and Kingston Districts. Have you read these paragraphs?

A. Yes.

Q. Are they giving a fair and accurate description of the situation in your District?

A. I would say they are very accurate.

Q. Are you aware that your group of pilots, as appears in paragraph 672 in the brief submitted

English

to this Commission by the Federation of St. Lawrence River Pilots, have made a request for linesmen at the approach walls in the Seaway?

A. Yes, I am aware.

Q. What is your own view with respect to this recommendation or request?

A. There are two sides to it. I say it is needed for the safety of life and for the reduction of the amount of damage that is done to the ships.

In the first place the lake ships -- the men are trained, from when they first start out, to swing ashore on land booms. The ships are not as high-sided as the foreign ships and the foreign ships' men are not trained at all. They are very nervous. Even the lake ships do have trouble and there have been many accidents. In fact, less than two months ago on a lake ship, I had a landing boom break with the man swinging ashore.

Q. You were on board that ship?

A. Yes.

Q. You were piloting that ship?

A. Yes, I was piloting that ship. Fortunately, when the landing boom broke the man was out over the dock and when he fell the boom itself -- in this particular case it was the carrier or the standard that broke. It did not exactly break, it come up out of its socket where it was fastened on the back. The boom itself come down across the man's arm. It did not break his arm, fortunately.

English

On the foreign ships ---

Q. The man had reached the approach wall at the time?

A. He was over the dock when it let go. When the boom swings out at right angles is the time when the most weight is on it. That is when it let go.

On the foreign ships the men are not trained and are very nervous. In some cases they will swing their men ashore on, like, a cargo rack -- a square that is hanging off the boom and must be lowered down. I have seen two or three men, although the only thing you must consider is the length of time to lower three or two men on that platform from 30 feet up in the air. It takes time. If you have the least amount of wind blowing and your ship is light and you are trying to make the pier, you have to wait for these men to come down. Those booms are usually between 20 and 26 feet long.

If they want you within ten feet of the wall, you cannot hold a ship. There is no way to stop her. She is moving through the water. Once you stop the headway, the elements are going to take control of her. A lot of captains have told me more than once that they will not swing a man ashore until the ship is absolutely stopped.

What is going to happen when you stop your ship? Once she is moving through the water you have slight control. If you stop, you no longer have control

English
over her.

COMMISSIONER SMITH: Is there any other way of getting the man ashore except by the boom arrangement?

THE WITNESS: No. There is no other way. This is hearsay again.

Q. If it is hearsay, you better ask the Commissioner whether it is admissible.

THE CHAIRMAN: We will have it as hearsay.

A. This is hearsay. There is one ship, possibly more than one -- I have never been here -- that the captain wanted to be notified at least 20 minutes ahead of usual if they were going to have to tie up so he could send his men ashore in a motorboat that he had on board the ship.

That may work in one condition or something like that, but it is impractical because very often when you are coming up to one of these locks the control officer will not know or tell you until you are 500 feet off the wall or off the lock whether you are going to get that lock or not. He will tell you it used to be that they tell you you are going to get the lock. It is the practice that they no longer tell you that. They say you watch for the green light, when the green light comes on, the lock is open with the guard arms up. You will get the green light. You will get the green light and the guard arms down, and I think I am going to get that lock, and proceed under the same procedure as if I was going to go in. All of a sudden

English

I am too close. I find if the guard arms are not going up now, maybe there is mechanical difficulty. We are not advised of that. If they would tell us ahead of time, it would be a great help to us.

When you don't know, how are you going to tell somebody we are going to stop there. I have already had the captain say to me, get your wires ready on the starboard side to tie up. And you are in the locks on the portside so you didn't use it. The remarks one can have is why did you have my men get my wires ready on the starboard side, you never used them? We don't know ourselves. It is very irritating to some of the masters that we are trying to give advice, but it sounds as if we do not know what we are talking about, I guess we don't.

THE CHAIRMAN: The same with the Eisenhower and Snell?

THE WITNESS: Eisenhower and Iroquois Lock. You get better service from the Eisenhower and Snell Locks than the Iroquois Lock.

THE CHAIRMAN: What is the difference?

THE WITNESS: One is Canadian and one is American.

THE CHAIRMAN: As far as service is concerned they help for traffic coming in?

THE WITNESS: They seem to be more, what shall I say -- they still give you what they think is going to happen -- you should get it -- give you some little idea, or they say you are going to get it or I

English

have been told I was going to get it. When I get right close, they say no because of traffic that is building up we decided we would take up an extra lockage so you would be told to go to the tie-up wall if he sees there is any wind blowing at that time. It has been offered that they will send their ship up for a man to take your lines -- that is the American lock. You won't get that service with the Canadian lock. You are simply told there, come down and watch for your green light.

The point of coming into a wall, and you have got to come so close for a large ship to get these men ashore that are not used to this, there is considerable damage done by trying to get them too close.

Q. Are you aware, Captain, the recommendation by your Corporation that special wheelsmen be employed on all foreign vessels, all sea-going vessels over 3,000 tons in the Seaway and for the other ships, and these should be employed with the consent of the master? Are you aware of this recommendation?

A. Yes, I am aware of it.

Q. What are your views and your arguments for or against this recommendation?

A. I am for it. You must remember that in an area where you are confined and you are meeting a lot of traffic, you give an order -- now, if the man at the wheel does not understand what you are giving, one of the officers must translate it into his language. When he translates, you do not know what is going to happen until the order has been executed.

English

If the man who translates makes a mistake, which has happened and quite frequently, it puts you in a very difficult position.

In fact, I almost had a collision above the Snell Lock about three months ago from that same occurrence. The rudder indicator was not operating and I was meeting a ship. It is only a 450-feet wide channel and just when we went to go by I ordered more starboard rudder and it was translated and I couldn't turn around. I was out on the wing of the bridge. I couldn't see
B3 what was going on. So, the rudder indicator was out of commission, they told me that when I went on board. The first thing I noticed was that the ship started to swing towards the ship I was meeting. I merely stepped inside the wheelstand and looked at the wheelstand and the rudder was to port instead of starboard. I kind of blew up. The officer said, I am sorry I made a mistake. But, the mistake wouldn't have helped anybody if we had a collision. There could have been a loss of life.

Q. Is it only a question of language or is there any other factor which you would take into consideration in this wheelsman's difficulty -- is it only because of language difficulties?

A. No. Foreign shipping -- most of the ships we are now handling are all automatic steering, that is, their steering gear is in conjunction with their gyrocompass. When most of them get out of confined waters they no longer employ a man at the wheel. They put

English

on their automatic steering. The wheelsmen do not get enough practical experience. The first time they get the feel of the ship is when they come inside restricted waters. I am saying that because they are coming off Lake Ontario and invariably if you happen to be taking a ship across the Lake the officer will ask you, when can I put it in automatic steering. Lack of experience is what causes most of the trouble in your wheelsmen.

COMMISSIONER SMITH: I would like to ask the witness in connection with wheelsmen. You mentioned, Captain, there was in your experience, as I understood it, a near miss above the Snell Lock.

THE WITNESS: Eisenhower Lock.

COMMISSIONER SMITH: I would like to ask you, to your knowledge are there any casualties or accidents or disasters of any kind that have happened because the quartermaster has misunderstood and not properly executed the pilot's orders?

THE WITNESS: Not in my actual knowledge, that is, I can say. But many of the boys talking among ourselves have said that is what happened. I cannot recall accidents between two ships. That is hearsay again.

I cannot recall an accident between two ships -- damage caused at locks, striking walls and -- I have no reason to disbelieve what these men would state because we have all experienced the same thing. Of course, it is only extreme when it happens.

English

Does that answer your question?

COMMISSIONER SMITH: Yes.

Q. Captain, there is another recommendation in paragraphs 678 and 679 in the brief of the Federation to this Commission which is recommendation No. 4 and it recommends that the only exemption granted in your District should be exemptions which are actually in existence in the Montreal District which in effect would mean most lake ships would be subject to compulsory pilotage in your District. You have had experience on lake ships before. What is your view with regard to this recommendation?

A. I would say if you are building for a long-term view that all ships should have. Now, the element that comes up is that no one man can stay up all the time. We will say the master of the ship is supposed to be in charge, but it is not possible for him to stay on the bridge and be efficient from Montreal to Lake Ontario. He may be able to do it if he had an exceptionally fast trip one time. Supposing he has bad weather coming across Lake Ontario, he has got to be up there again. He is going to be up there. In that particular case he will not allow his ship to be in control of an officer. When he comes into the River he has got to rest somewhere, so one of his junior officers takes over because he knows when he gets down to the locks he is going to be up there himself. He is not going to allow one of his junior officers to handle the amount of value that he has

English

underneath him making stone walls or cement walls. So, in the rivers you are meeting mostly not the master but another officer. The other officer may be very competent but you may be sure he is not going to endanger himself by giving away any more than he has to. I mean,in giving you any more of the channel than he has to. I think a long-term view is better that all ships carry pilots.

Q. Have you had an experience with tugs and tow in your District?

English

A. Well a few times. I was chief officer one time back in '28 -- 1928 ---

Q. Well if you had an experience in 1928, I am sure it may be very interesting but I doubt it would be very relevant here. My question is if you pilot tugs and tows?

A. Yes, I had one up about three weeks ago.

Q. Did you have others before, also?

A. Yes.

Q. Were you alone on that tug and tow?

A. This last one I was.

Q. Are tugs and tows required to have two pilots in your District or only one?

A. Only one.

Q. What is your view with regard to that practice?

A. It's another question of time element. It applies to the same thing as you say the captain on a lake ship cannot stay up; the pilot on a ship that is going to take too long still cannot be efficient. If you were going to be more than, say, eighteen hours, no man can be efficient longer than 18 hours. If he is under pressure on a bridge, he can't do it. He can stay up longer, and he may make decisions but he may not make them fast enough. The question of tugs, if they are going to be any length of time, or if there is going to be two tugs in that particular tow, it should be required that each one have a pilot on board.

English

MR. LALONDE: My lord, I would like that this request be added as a formal recommendation in the specific recommendations of this group. I have been instructed by the pilots of that group that they want to add two points, or two recommendations. The first one would be recommendation No. 9 to the effect that two pilots be employed on tugs and tows and I have been instructed that there will be another recommendation, which would be recommendation No. 10 to the effect that after December 1st there should be two pilots on board all ships as in the Quebec-Montreal and Cornwall District.

Q. Captain have you been made aware of this recommendation No. 10 to the effect that two pilots should be employed?

A. I did not know. This is the first I heard about it but it is needed. The last time that I was on, I was 37 hours from the time I left Cape Vincent until I got to the Snell Lock and the little tug had ---

Q. You are talking about a tug and tow?

A. Tug and tow; it had no accommodation. She was going down to Philadelphia towing this dredge and she had about a crew and a half on board and there was no accommodation. We were not underway all that time because when we arrived at Iroquois Lock they refused to let us down the Seaway without two tugs. That is why we were held up there. There was no place for the pilot to rest except on the chart desk.

English

Q. Thank you Captain.

CROSS-EXAMINATION BY MR. MASON:

Q. Captain Davis you mentioned last day that you had acquired a pilot's licence in 1935?

A. Right sir.

Q. What sort of licence would this be?

A. There was a pilot's licence from Kingston to Montreal and Ottawa.

Q. And were you actively engaged, or actively employed as a master of a vessel at this time?

A. That is correct sir.

Q. And you also mentioned, or referred to a pilot boat service at Cape Vincent. Who is this pilot boat operated by?

A. It is operated under the direction of the American Association of Pilots for No. 1 District.

Q. And who pays for this service?

A. Well the service comes out of all our pockets. It is taken out on a pro rata basis. The only thing is that we do not have any voice in the control of this boat.

Q. In other words, it is paid for by the pilots is it?

A. It is paid for by the pilots. It is taken out of all the pilots' pay before it is given to them and we do not have a voice in anything about the service at all. The Canadians do not, I should qualify

English
that.

Q. Now last day in talking about water levels you mentioned a publication put out by the United States Corps of Engineers and I refer to the United States Army Corps of Engineers Great Lakes and connecting channels water levels, depth. Was that the document you were referring to?

A. The one I was referring to was put out by the U.S. Coast Guard and it is only a small one. I think Captain Edwards would probably explain that one, where it comes from, a little better than I can.

Q. Do you make any use of this one?

A. No. We never see that.

Q. I notice on this document the water levels are recorded for the St. Lawrence River at three indicator points, one, two and three indicating above Iroquois Dam it's 16 inches, above Ogdensburg, seven inches and above Cape Vincent seven inches. Now are water levels recorded in any other parts of your District?

A Yes. I know that they have an automatic water gauge at Kingston but outside of there, I can't tell you. I am sure that on each of the locks that there will be a gauge.

Q. And you make use of these ?

A. No. We haven't any access to them. The only thing we will have will be after they publish, the Department publishes what their findings will be, they send them to our Supervisor. Now this has only taken place in the last year. Previous to that we did

English

not even have that.

Q. If you are approaching Iroquois Lock and you ask for the water level, do I understand they won't give it to you?

A. I wouldn't say that. I never had the occasion to ask for it.

Q. You never asked for it?

A. No. The only thing is before we board the ship we look at the board to see if there is a notice that has come out, it shows how much water is above, you can expect that would be above the chart datum at that time.

Q. Do you know how many inches of water there are at Iroquois above chart datum today?

A. I think it's about 12 inches. Yours only shows 17, but it has dropped since that. It was 13. I think I told you before that Cape Vincent was 13 inches above and the last one I saw last week showed it eight inches, I think it was above.

Q. Normally there is more water than the figure that is recorded?

A. Yes.

Q. May I file this as Exhibit 825?

---EXHIBIT NO. 825: U.S. Army Corps of Engineers Water Levels from the 5th of December 1963 to the 20th of December 1963.

Q. Now Captain you mentioned last day that

English

certain information as to calling points was incorrectly noted on the charts which you referred to?

A. That is right.

Q. I show you a chart, sectional chart of the St. Lawrence Seaway No. 1400 dated September 13th 1963. Now are these calling in points correctly noted on this chart?

A. This one is. No. 13 is at the correct spot. On the other chart it showed it at the end of this point, down here (indicating).

MR. LALONDE: Which is -- ?

THE WITNESS: Which was at Sparrow Hawk Point. Showed it at Sparrow Hawk Point. On this chart, this shows the correct spot, just off Cardinal, but that is not a navigational chart.

---EXHIBIT NO. 826: Chart No. 1400.

COMMISSIONER RENWICK: I would like to ask one question my lord if I may. Referring to the Cape Vincent pilot boat which is supported jointly by the Canadians and by the U.S. pilots, could you tell me Captain the ownership of that boat?

THE WITNESS: Well I believe the boat is -- I don't know whether the boat is owned -- this is an American boat, I don't know whether it is owned by one of the members of the American pilots. It was originally I understand from hearsay, whether it is now or not, I don't know. I don't know whether the Pilots'

English

Corporation over there owns it or whether they have leased it.

COMMISSIONER RENWICK: Thank you.

MR. LALONDE: My lord, if Captain Edwards has not got the information or the details of the contract, I have myself copies of the various contracts between the American organization and District No. 1, and I would be pleased to file it. As far as I can remember right now this boat is owned by a shared company, a business company who leases its service for pilot boat to the Pilots' Association at a certain price. Not all pilots are members of that company. I think there are a few pilots owning that company, having shares in that company and operating the pilot boat.

THE CHAIRMAN: When you say not all pilots, you mean not all Canadian pilots?

MR. LALONDE: Not even all American pilots. There are no Canadian pilots having anything to do with that.

THE WITNESS: Except the paying.

CROSS-EXAMINATION BY MR. BRISSET:

Q. Captain before asking you specific questions in relation to your evidence, there are some general questions I would like to ask you. First of all, will you tell me whether you are generally satisfied with your working conditions in your District, and particularly your workload?

English

A. Workload?

Q. Yes?

A. We are reasonably satisfied. I am myself. There are times when the workload is too high. That is, in my opinion. If the number of trips that

C2 a pilot was required to do in one week was set, it would be to the benefit of the shipping, also to the pilot himself. He will live longer. If he is under pressure too long, it has an effect on his judgment.

Q. Now speaking for you personally, what would be the limit in the number of trips per week which you would set as a reasonable limit?

A. Three. I know you are going to say that three is only 30 hours. That is not quite the way to judge it. The point is that you are called out at any certain time. You cannot say I am going to have a night's rest and I am going to be called out at six o'clock in the morning and I will work for 10 hours and I am going to be finished. You don't know that. You may be called out any time in the 24 hours. That being the case, when I say three, I think that that is what the man should have to take.

Q. In other words, whatever might be your reasoning to arrive at this number, I can take it that three would be, in your opinion, a reasonable figure?

A. Yes, that is right. It would not increase our earnings at all. There is no question of that.

Q. Now Pilot I assume that there are,

English

during the season, peak periods. Traffic is not the same all the time?

A. Yes.

Q. What are the peak periods according to your own experience say of the last two or three years?

A. You mean the time of the year?

Q. Yes? It is in the spring, the fall or the summer?

A. You always have in the spring, and in the fall too inbound coming in, because they are held up for the opening of the Seaway. There is always going to be a build up in the spring of the year, the very first thing. The same applies in the fall of the year when you are closing off; the ships wanting to stay as long as they can to get all the cargo they can. They are always piling up. In fact, I think if a study was made that youwill find that there has been more accidents in the last three weeks of the season than possibly in all the rest of the season because of overloading and everybody rushing to get out.

Q. You are quite certain of this in your District Pilot? I thought your District ---

A. I said that I thought.

Q. --- was reasonably quite free of accidents.

A. We have had our share. Possibly not this year; we have been fortunate.

Q. During the peak period, say in the spring

English ..

as you mentioned, how many trips would you do a week? Do you think you have done four in a week?

A. I can show you my records within the last month that I done five in one week.

Q. Which month?

A. Within this last month.

Q. The last month meaning November. November, I take it, is also a busy month?

A. Yes.

Q. At times.

A. In the month of November one time I made five trips in one week.

Q. Leaving the matter of the workload, what about your earnings during the season, say last year and what you may expect this year? Have you considered that you are getting fair earnings for the work you are doing?

A. That is kind of a leading question.

Q. Certainly it is.

A. May I qualify that? We would probably be quite satisfied with what we were getting, provided that we had some voice in the spending of 25 per cent of our earnings.

Q. Now you are referring to the spending of your earnings. I take it you are referring to administration expenses?

A. Administration expenses or services applied to the ships which includes pilot boats and taxis and so forth.

English

Q. Now what do you mean by saying that you would like to have a voice? I take it from what you have said that you do not, you personally or the pilots personally do not have a voice in this?

A. I do not refer to myself. I am speaking for the group. If I am answering something that I think, I will state it as my own opinion. I am speaking as a group. The Association, if they had some voice in a lot of the things that our money is spent on, we think we could do it more economically but as we do not have a voice, and the cost of this service is building up every year, in the last three years how can you say -- we got no control over it -- how can you say we are going to be satisfied? You asked me first if we are satisfied with the amount of remuneration we are receiving. We are to a certain extent but I am qualifying that to say who is going to say that we are going to be for any length of time?

Q. In other words, you are satisfied with what you have been earning say last year and this year but you are somewhat concerned about the future, if expenses increase? That is in a nutshell what you say?

A. No, I am sorry. I cannot agree to that.

Q. All right.

A. If 25 per cent of my earnings are going on something that I do not have anything to say about, I am not satisfied.

English

Q. I see. Now when you say you do not have a voice in the incurring of these expenses, would you tell me who has such a voice?

A. Well the Department in Ottawa for one. The American Association or the Department's equivalent in Washington. When the question of the American pilot boat came up at a meeting held with the administrator, he said to me that the rate was going to have to be so much and I answered -- I asked him, I said do you mean that we do not have any voice in what this may cost? And his answer was those five men there have the power and the authority and you are going to take it and out of those five men, three men were officers.

Q. When you say five men, whom do you have in mind?

A. Five Americans.

Q. Pilots?

A. Pilots, that is right. The other seven did not agree with them, but those five men had the power.

THE CHAIRMAN: They were officers of what?

THE WITNESS: Of their Corporation.

MR. LALONDE: This is the American Association?

THE WITNESS: The American Association.

Q. By way of clearing this point now, how many Canadians are you in your District and how many American pilots are there?

A. There are 20 Canadians on the list and 12 Americans. The number is set at 32.

English

Q. I take it that eventually it is to be an equal number? That is the policy isn't it?

A. I understand this is to be an equal number but it doesn't say in any particular District. I understand that this is over the Great Lakes Basin. Just what that will mean, I wouldn't know.

Q. Now Captain I want to speak of ocean ships and I would like you to give us your opinion as to whether generally youfind the ocean ships which you have to pilot well-equipped, well-fitted or have you any complaints to make?

A. Our particular District may be -- the Great Lakes Basin may be considered as something special. I suppose that you would consider that the foreign ships coming in, most of them are well-equipped for what they have been designed for and built for.

There has been many improvements put on them. There are many improvements that still could contribute towards their help, their safety and our own to help us out too. They are my ideas.

We are building something here that is not going to be for 1962 or next week. It is not going to be something that is going to change tomorrow; going to be for a long time, we hope, and there are many things that could change. They are not radical, most of the changes that need to take place are in equipment and regulations that applies to putting on board things that are not up to qualifications.

I will give you one instance: I was on a

English

ship here just a little while ago. In Montreal was installed the radio equipment, the FM and AM sets. One was installed on one corner of the pilothouse, the other was installed on the opposite end of the pilothouse which was 30 feet between the two of them. They are on channel 51, which is the safety calling channel and channel 16, they are both on. They must be on by regulation all the time.

The pilot is asked to listen at the same time, because in most cases the officer, when the pilot comes on board, says it's your baby. You take care of it, so you are listening. You don't know which set comes in.

If you are running from one end of the bridge to the other end of the bridge trying to find out to answer somebody that is calling you, and bothering you, how can you be paying attention to the piloting of your ship?

In the lake ships the master is there in the front window and he has got his two phones side by side. He has got his equipment standing there. How did that come about? Because during the yearsthey have found out that this is the practical thing to do. That is what you need in foreign ships, the same way.

In one particular instance, the installation in Montreal, they put the generators that built up for the transmitter in the pilothouse. When I was making a wall, a lock, in order for any person in the pilothouse to hear me speaking 15 feet outside the pilothouse,

English

the wing of the bridge, they had to shut all the communication off because it was such a roar in the pilothouse. It passed by the inspector. Why? That is just a little instance. I hope that I am not ---

Q. You have given us two instances where the installation of the radio-telephone could have been better-performed. I am not disputing this, but these were, I take it, rather exceptional circumstances weren't they?

C3 A. To a certain extent. The vast majority of the ships do not have shore telephones. I demonstrated to you where the lake ships have their equipment radio fitted. They do not have them on all; very very few of the foreign ships have them. Possibly never thought about that before, I don't know. Their other equipment, some of it, is very good and some of it is very poor. Very few of them have mooring facilities, separate from cargo handling and there was never a cargo handling machinery that was designed for mooring machinery. No engineer will ever tell you that it was made for the same thing. True, you use it because you have to use something and I can assure you that it cost money.

Q. In other words pilot you have in certain cases to use the equipment of the ship as it is. You would not expect ships from all over the world to be designed specially for the St. Lawrence Seaway?

A. Right.

/RPS

English

Q. Coming back to the radio-telephone, Pilot, you are aware I am sure that ships going into the Seaway have to be fitted with the radio-telephone at Montreal if they are not already equipped?

A. Yes.

Q. Keeping this in mind, are you aware whether the Corporation of Pilots in your District or the Lower District have made any representations to the authorities regarding what they would themselves recommend in respect to the radio-telephone installation?

A. I do not know. I am sure our President would be able to answer that much better than I could. I don't know. I know we have always made complaints but who to or -- the answer to that, I can't give you.

Q. Let us go on to other equipment and let us take the gyrocompass. You find ocean ships are fitted with gyro rather than magnetic?

A. They are fitted with both. The gyro on most of them are very good. It leads back to the same point, they have good gyros because they have automatic steering connection with them.

Q. You find generally, I would say, in more than even 99 per cent of the cases that ocean ships are fitted with gyro?

A. Oh yes.

Q. What about radar, do you find the same percentage are fitted with radar when they go up the Seaway?

A. Yes, they would be fitted about the

English

same percentage, but the radar is much different than the gyrocompass in necessities. The gyrocompass is only designed for one specific purpose. The radar can be designed for two conditions. A radar that is the best equipment for river navigation or in close work is one especially designed for short range. The ones that are mostly put on foreign ships are for long range.

Now, this has been proven to be so necessary that the large lake ships carry two sets, one for long range and one for short range.

Q. Pilot, even with the long range radar you have the one-half mile or one mile range, haven't you?

A. Yes.

Q. Must I understand from what you say that the long range type isn't as satisfactory?

A. It is not as efficient, that is right.

Q. Isn't it a fact that all ocean ships are fitted with rudder indicators and revolution indicators?

A. That is not a fact.

Q. Sometimes they may not work but they are fitted with them.

A. Sometimes they are not fitted. Sometimes they do not work, in some cases they are not fitted with them. Quite a number of ships, you will find today, do not have revolution indicators.

Q. What about rudder indicators?

A. Rudder indicators, most of them have.

English

I would say 95 per cent of them have. As you indicators, they do not always work. Sometimes when they work they are very unreliable.

Q. In addition to that, isn't there a system of lights, a green light to show the helm is starboard and a red light to show the helm is going to port?

A. You are speaking of a specific kind of rudder equipment. There are some German-built that indicate which side your helm is going on, but I cannot remember of seeing that outside of the German ships.

I think that is about the only ones I can think of that indicate that. That is not very satisfactory either because these indicators are at the bottom of the stand, within one foot of the floor where that opens up to show you which way your rudder is working and if anybody is walking around, which on these ships there are lots of people walking around -- if you are on the wing of the bridge you can't see that -- somebody is interfering with it. If a man puts it on he has it on one second and has it off again. You can't tell that.

Q. If you are on the wing of the bridge you can see the rudder indicator or the revolution indicator?

A. Some of the ships are fitted with rudder indicators on the outside of the pilothouse which are an exceptionally good help, which shows the

English

degree of rudder. It is on, and you know then.

Q. You have seen that on ocean ships?

A. Yes sir.

Q. Have you noticed, Captain, that ocean ships going up the Seaway have a chart in the wheelhouse with rules of the road for the Great Lakes?

A. Yes.

Q. And indicating the differences between the two sets of rules?

A. Yes. Either in the chartroom or on the bridge. On almost all of them that would be posted.

Q. You are aware this is provided by the Shipping Corporation of Canada?

A. Yes, for their protection.

THE CHAIRMAN: We will adjourn now for a few minutes.

---A SHORT RECESS.

---FOLLOWING THE SHORT RECESS:

MR. JACQUES: Before we proceed, I would like to file as Exhibit 827 a list of reported casualties for the District of Kingston, 1962 back to 1956. Of course, before 1961 both Districts were covered. This is the usual document Reported Casualties Involving Pilots of the District of Kingston.

MR. LALONDE: And we will make the usual

English

objection to the entering of the exhibit.

---EXHIBIT NO. 827: A List of Reported Casualties Involving Pilots of the Kingston District from 1956 to 1962. Prior to 1961 both Districts are covered.

CONTINUATION OF CROSS-EXAMINATION BY MR. BRISSET:

Q. Captain, speaking of the experience of the pilots in your particular District, I would like to refer you to a statement contained in the Pilots' brief at page 105 of the English text, paragraph No. 264 which I will quote to you:

"In the District from Montreal to "Kingston to Montreal a very large majority "of the pilots have exercised their "profession for less than eight years, that "is, 65.7 per cent".

Do you agree with this statement so far as your own District is concerned?

A. Our No. 1 District?

Q. Yes.

A. Yes.

Q. Does that mean that the pilots in your District, the majority of them, have only had their pilot's licence authorizing them to be professional pilots in the District in the sense that we understand it now, or does it mean that they have only been piloting ships for eight years in your District?

English

A. It means that they have been only authorized to work under the direction of the Superintendent of Pilots for eight years.

Q. That is what it means?

A. That is right, sir.

Q. In your case, how many years of experience have you had piloting in that particular District?

A. Under the direction of the Superintendent of Pilots, ten.

Q. But otherwise?

A. 35 years.

Q. Isn't that the case with most of the other pilots in your District?

A. No sir.

Q. Isn't it a fact that most of the pilots in your District have been piloting for 20, 25, 30 years?

A. Our No. 1 District ---

Q. I am speaking, of course, of the Canadian pilots.

A. I know. 20 or 25 years is a little long because we have a very low age pilot group in the No. 1 District.

Q. What about the Lower District? Are you able to speak of this?

A. I do not work in the Lower District any more, so I don't see where I should be qualified to speak for them.

English

Q. Isn't it a fact, Captain, that most of the pilots that are now working in the District of either the Upper River or Lower River have had prior to becoming accredited pilots, what we call the pilot's licence issued by the Department of Transport which entitled them to at least pilot their own vessel?

D2

A. The Lower District, practically all received their licence the same time as I did my own in 1934. It wasn't a necessity for him to hold a licence. In fact, there were many companies that were very much against their masters getting their licence as a pilot. They were not used, but it wasn't an extra load for any person to carry so most of them had them issued too as at that time.

Q. Isn't it a fact that in 1934, when the Pilotage District of Montreal, Kingston, Ottawa was formed about 200 pilots' licences were issued to men who were actually doing these waters?

A. Right, sir.

Q. Your pilotage material in your District comes from these men as from the pilotage material in the Lower District?

A. When the District was split, most of the older men took the Canadian section which was from Cornwall to Montreal. The younger men who had been issued licences in the last few years did not have the opportunity of saying where they would go. So, they were placed in the No. 1 District and they have done a very creditable job, if I may say so, in my estimation.

English

Q. I can say to you on behalf of the shipping industry, we heartily agree with your statement.

Now, Pilot, I want to go back to some of the recommendations made for your particular District and I will start first with the new recommendation No. 10, that there be two pilots after the first of December. Am I to understand the recommendation as meaning that each of the two pilots will be paid the full fee for his turn?

A. May I refer that back to our President who will have better information than I have on it. I am not on the Committee, and that is something new and I am not familiar with it.

Q. All right. You support this recommendation, Pilot. You told us of the case of a tug that required 37 hours to proceed from Kingston or Cape Vincent to Snell. You particularly pointed out that the only place that you could have laid down was on the chart table. I cannot quite see how two pilots plus a wheelsman would have room all on the chart table. So, I am not sure I understood what you were driving at. Can you explain that?

A. In this particular case it could have because ---

Q. Put them all on the chart table?

A. I did not say that. You did not ask me if we both got on the chart table. The point is one man could have left and he could have gone to the hotel. In this particular case there was the

English

opportunity to because we were situated on the end of a wall blocking the approach to the Iroquois Lock. The Seaway Authority might have ordered us away from there at any moment they wished to do so.

Q. You always left one pilot on board?

A. At least. The amount of time he would have been away -- that is an exceptional case.

Q. In fact, is it not correct to state after December 1st you will only have a few days of pilotage to be done as the Seaway might close at any time?

A. Yes, sir, that is quite true. The Seaway Authority published the date of closing as midnight the 30th. The Shipping Federation likes to get the last pound of freight possible. They are coming down later and later. During 1958 it was Christmas time before we got the last of the ships out of the canal system.

Q. That was because of unexpected tie-up in November and the ships started their passage -- having left in November they would have had only one pilot on board anyway?

A. Yes, in the end you people put two pilots on board. In order to get the ships down the Shipping Federation ordered two pilots to be on board from Coteau. That is where the first of the tie-up took place.

Q. There was no question that these two pilots were being imposed in the spring from your

English recommendation?

A. As I said before, I am not familiar with that. The President can probably answer that better. If it is the same as the other Districts, it is from sometime in the fall -- 1st December to 1st April or something like that. The President will answer that better than I can.

Q. Thank you. I pass on to another recommendation which is of wheelsmen being put on board ships of a certain tonnage. In your experience on ocean vessels, how long does the usual turn of the wheelsman at the wheel last?

A. One-half an hour.

Q. 30 minutes?

A. 30 minutes.

Q. And they change every 30 minutes?

A. That is right. It makes no difference, if you were in a very very dangerous position it changes then immediately.

Q. Is that peculiar to the waters of your District?

A. I don't think so. I think that is standard practice for foreign shipping.

Q. To relieve the wheelsman at every 30 minutes?

A. Yes.

Q. When a wheelsman, who has done his 30 minutes turn comes back again on the wheel how much rest is he given between each turn?

English

A. I think that is 30 minutes too. I think usually, but I wouldn't know. That could change with different nationalities. I couldn't tell youthat. Not being familiar with the individual, you couldn't answer that.

Q. Isn't it a fact that the normal watch is four hours?

A. Yes.

Q. During that four-hour watch, the wheelsman on duty will alternate at the wheel every 30 minutes?

A. Right.

Q. If you were to provide or if it became necessary to have local wheelsmen on board, how many would you require during the 11-1/2 hours that it takes to transit the waters of your District?

A. I would say one.

Q. You say that one wheelsman would stay at the wheel for 11 hours and 30 minutes?

A. No.

Q. How would you work it?

A. Well, I think --- as I understand, what was proposed here is that the wheelsman -- the place where you are in trouble is the interpretation of rules. The order given to the man at the wheel, if you had a wheelsman on there he would have a duty for the same length of time as the pilot is on duty. He would be standing by the wheelsman to see that the order had been correctly applied.

English

Where there were cases of extreme vulnerability of damage, a man would take the wheel. I also think primarily one of the things behind that thought is somewhere the apprentice is going to be the man who is learning something about the District while he is there.

Q. You envisage the apprentice pilot as a man to place there as the wheelsman?

A. I didn't say that. I said it was an opportunity for a man to learn if he wanted to learn. If he wanted to apply for an apprentice, that is a different thing.

Q. I assume you would never have enough apprentices in the District to supply all ships so that you would have to get wheelsmen elsewhere?

A. Pardon me? You are putting two questions. You asked me first about the wheelsman. Now you call them apprentices. I didn't say that.

Q. If I understood your answer correctly, at times an apprentice could be used, am I right, to discharge the function of that wheelsman?

A. I wouldn't want to answer that. I can't answer.

D3 Q. In all events, would you agree if the wheelsman is to serve any purpose that he would have to have experience?

A. Oh yes.

Q. Is it possible that if experienced wheelsmen were supplied to the ships, the ships might

English

eventually dispense with the pilot?

A. I suppose they could if the Shipping Federation thought it would work out to their advantage, providing there was no compulsory law to that effect. We did have one strike to that effect.

Q. To support your recommendation regarding the wheelsmen, you have mentioned two things. The first is language difficulty which I would like to take up first. You have indicated that on certain ships, particularly those of the countries in the Mediterranean, you found that the wheelsmen, I take it, did not understand English, is that correct?

A. A smaller percentage.

Q. I will give you an illustration, that if you were giving this order, for instance, to a wheelsman, starboard and pointing your arm to starboard there could be a ship on which the wheelsman would not answer this order?

A. Yes sir. I do say so. If you were at the wing of the bridge making the dock, the man at the wheel could not see you.

Q. Do you not make it a point to make sure that the wheelsman, if you have any doubt about his capability of understanding your words, the words port and starboard for instance -- would you not make it a point to show his with your hands which way you wanted the ship to go?

A. I do when you are in the pilothouse. But, when you are making a dock or wall or lock, you are

English

30 feet away from him and he is usually back in the recess where it is impossible for him to see the wing of the bridge. It isn't possible.

Q. In these cases when you are in doubt whether the wheelsman will understand your order, do you not make it a point to have the officer act as the liaison between you and the wheelsman?

A. May I say that I think there is a misinterpretation of our authority. We are only on the ship to advise the master. We have no direct control over the men or the officers nor do we want it because it would only cause more trouble. But, we cannot say to the master, you put so and so on the wheel. The only thing we can do, if we find a particular man is not following your instruction, that we would ask that the man be relieved. We do not know if the man relieved would be replaced by a better man or one not so good.

Q. To take an extreme case, Pilot, if you found a wheelsman was not satisfactory at all wouldn't you ask the master to relieve him and give you a better one?

A. Yes. I do not ask the master.

Q. You suggest to the master?

A. I suggest to the officer of the watch. The master cannot be up there all the time. The time element enters into it.

Q. I mean the officer of the watch if the master is not there.

A. Yes.

English

Q. Perhaps it would be unfair to ask you this. Doesn't it happen that the pilot himself would make an error -- say "port" when he means "starboard" and the wheelsman on the foreign ship would say "Pilot, you are making an error".

A. I have heard people say that. I wouldn't know that it actually happened. In the first place I would question the statement because since when did a wheelsman of a foreign ship know where the pilot wanted to go himself unless he is a mind-reader.

R/RPS

English

Q. I might suggest to you that if the pilot points to starboard and says port, then it might be evident.

A. That would be very extreme, if he puts his hand over. There has been more trouble caused by going on American ships, and I have heard it happens there were you are not allowed to use port and starboard. You must use right and left.

Q. Pilot would you not agree that in all field of activity there is always the possibility of error, even with the best men?

A. Yes, very much so sir.

Q. While on this subject of casualties, counsel for the Department -- for the Commission has just filed Exhibit No. 827, a list of the casualties in your District particularly, and I would like you to refer to the casualties in your particular District since it was created for the years 1961 and 1962 and tell me whether you find any of the casualties reported as possibly due to an error of the wheelsman?

A. Not that it states here.

Q. Are you aware of any of these casualties yourself?

A. No. Wait a minute, I did not look at that side. No, my name is not on there. It should have been.

Q. You mean to say that the list is not quite complete?

A. Yes sir.

English

Q. At all events, either from that list or your own recollection, you could not tell us of an actual accident, I am not speaking of a near miss, that was due to an error of the wheelsman?

A. No sir, I cannot tell you of an accident that happened but I know, in my own experience there has been three times, and in my own experience in the last three years that the ship almost had an accident; simply caught in time. That was all.

Q. You have told us also Captain, during the course of your evidence, that a ship swinging around in the dredged channel, if it is a large ship, a long ship, could lock the channel?

A. Yes sir.

Q. Are you aware of any cases during the last four years that the Seaway has been open where this has happened?

A. No, never has happened yet.

Q. You might have had, of course, ships aground that were blocking part of the channel but it has never happened that the channel was completely blocked?

A. No, just through fortunate circumstances. One of our men, the steering gear had trouble and I don't know whether -- hearsay again, the pilot did not think the ship would go aground. It was the Brockville Narrows.

Q. You have spoken ---

MR. LALONDE: I notice that the witness' name

English

does appear here.

THE WITNESS: I am sorry. I cannot read my own name. It is on here. I withdraw.

Q. You have spoken of accommodation ladders and their use in your District. Would you agree that there are certain conditions that may exist at times where it may not be practical to use the accommodation ladder?

A. Yes, there are circumstances. That is right.

Q. Do you find that generally that ships are provided with accommodation ladder and quite willing to use them if conditions permit? What I want to know is your experience?

A. I cannot agree, except once that they were put out for myself to use. There has been a couple of times when I have suggested that it would be used and the answer that I received was well it will take an hour to get it ready. Now if it takes an hour to get it ready -- a man who is coming up the Seaway, you don't ask an hour ahead of time, I suppose you could, but you don't know what the conditions will be like when you arrive at a point you want to use it.

Q. In other words, there are difficulties connected with the use of accommodation ladders?

A. Yes sir.

Q. Which the master, coming down Lake Ontario, are in a much better position to appreciate than the pilot who just comes on board?

English

A. Well he might be better able to appreciate, but at the same time he might not be able to appreciate how much the pilot boarding would need it.

Q. In other words, it is a matter of co-operation between ship and pilot to the best of the ability of both?

A. That is right.

Q. In the recommendations for your District, there is one part that was not spoken of by yourself. It has to do with the Kingston channel, or the channel leading through the waters on the north side. I understand that the pilots have been forbidden to use this channel, the north channel unless the ship was going to Kingston?

A. Yes.

Q. Can you tell us how this came about, this prohibition to use this channel and why do the pilots object to this prohibition?

A. Well how it came about, probably the President or Captain Edwards will tell you. I understand it came from the Department. Why we object to it is the master of a ship, we have no authority -- we are blamed, we have no authority to tell the master of a ship what he may do or may not do. We can recommend to him that he will do a certain thing. If the master of a ship says he wants to go that way, I cannot see how any pilot is able to get up and say I cannot take you there. If there is water enough there, and the master wants to go there, there is no authority can say

English

you must not go. That is my interpretation of the law.

Now what was the reason behind that, some of the other officials will be able to tell you better than I can.

Q. Speaking now, however, of your own nautical experience, do you find any advantage in certain cases to use the north channel?

A. We did in times gone by because when there was certain directional winds it was to the advantage of the ship to go out by way of Kingston. You had shelter for about twenty-some miles farther but that rule does not apply to foreign ships as much as it did to lake ships, although I think there are probably some men who still would want to do it.

Q. In other words, may I understand from your answer that the pilot would like to use still the north channel in their discretion, if they consider it preferable to use it in certain cases?

A. Very much so sir. It would be a great help to the pilots. Now I am speaking about the pilot -- this is a selfish view this time right now: you would save one hour in the rest period you have if you were able to go off by the north channel.

Q. Now would going off by the north channel create difficulties insofar as taking off the pilot or taking him on board?

A. You would have more room in Kingston Harbour and it would be easier for the pilot to embark and disembark. One of the troubles in Cape Vincent is

English

that it is so narrow that the ship not only will be at a very short angle across -- in the Kingston Harbour you have got unlimited room and can turn a ship around if you want to anytime.

Q. Would you have to have another pilot boat to serve the ships that might use the north channel?

A. You have one there now. The same man that used to provide us before is still there. He still provides service.

Q. Now Kingston, Pilot, is the only port or harbour which, I might say on Lake Ontario or on the edge of Lake Ontario where pilotage is compulsory at the moment. It is not compulsory in Toronto or Hamilton and so forth. Thatis correct?

A. Yes sir.

Q. Are you aware that the Chamber of Commerce of Kingston has complained about the fact that pilotage is compulsory there?

A. Yes sir, I am. I often wondered about that though, why the Port of Sarnia, which is in an identical position and ships much more cargo has not said anything about their District.

Q. Which is in No. 2?

A. Right sir. Identical conditions.

Q. You have spoken of three ships having gone aground at Carruthers Shoal without pilots?

A. Yes.

Q. Could you tell us the names of these ships and when this happened?

English

A. May I receive that name from some of the other boys? I cannot remember the names of them. I remember one was a Hull boat and one was a Patterson boat and one was an oil tanker.

Q. Were they three lake ships?

A. Yes sir.

Q. And was that recent or in years past?

A. One was last summer I think. I think one was last summer. One that I know was about three or four years ago and the other was about ten years ago.

Q. Now Captain I just want to go over some of the points you made during your evidence taking us down on the ship from Cape Vincent to Snell. You have spoken of ranges and buoys. In relation to buoys can you tell us whether buoys are fitted with radar reflectors generally?

A. Oh yes, most of them are. The lighted buoys all are and many of the can buoys are.

Q. Now have you any recommendation to make in this regard yourself? Do you find that enough of them are so fitted to serve your purpose?

A. There can never to too many of them fitted. One time I asked the Department to put on radar reflectors on the stakes. You must remember that in our District, specially during the summer, there are so many small craft in the tourist season that if you are caught with radar where you have to use the radar, it is pretty hard to say well what object

English

is being reflected back. If the stakes were marked with radar reflectors, then you have got a line coming down and you know that is the one that the echo was coming back from.

E2 Q. Have you had official representations made by your pilot group to the Department concerned on this score, to your knowledge?

A. I have to refer that to our President, if you please.

Q. Generally, as far as the maintenance of the buoys and the ranges and the number of these ranges, or range lights, are you satisfied and I am asking you this question as a pilot, not as representing a group? Are you generally satisfied with the aids to navigation in your District as they are at present?

A. They could be improved very much on. There is very little ranges in our District and if there was more ranges, not single sets, but two distinct sets of ranges so that it would separate the east and westbound traffic, it would be a great help and there are many places that it could be done.

Q. In other words, you would want a separate track for the upbound and downbound ships?

A. Yes, where possible.

Q. As they have in the lakes further up?

A. That is right.

Q. And there are reaches where this could be done?

English

A. Oh many.

Q. You have spoken of submarine cables at the Thousand Island Bridge which were not sufficiently indicated on shore. Will you tell us what you would recommend in this regard?

A. That is kind of a hard one to answer. If there was a distinctive colouring -- at the present time the signs on the shore are simply a white board.

Q. Are they illuminated at night?

A. I don't think so, not all of them anyway, and the white board is all very well but in that particular area you have got a hundred white boards. Somebody has got a sign up there, this place for sale. There is not much difference and you cannot tell them, you can't look at them. If you look at every white board that was down there, you would pay no attention to your pilotage. If it was a distinctive colour that would be attracted to you, you would know what to look for or what to look at.

Q. Would you recommend that they be illuminated at night?

A. Yes, most assuredly. Now some of them are back so far that I don't know whether you would see them or not.

Q. Now Captain you have spoken of these 27-foot spots in the District here and there as creating some danger. What do you do in this regard? Is there anything that you can do?

A. Reduce speed.

English

Q. Every time you have to go over such a spot, you do reduce speed?

A. Not every time. If you have got a series of spots across, or if you will find your spots are all on one side of the channel and you think you have got room enough to get a little ways away from it, you do not reduce speed. You are trying to get your ship through as fast as possible.

Where there are a series of spots, such as what we locally call cross-over, you reduce speed.

Q. You have mentioned that at Snell Lock you were losing time because of the requirements of the United States Authority when coming off a ship?

A. Yes.

Q. I am not too clear in my mind as to how this could be corrected. You told us it took four hours for you to get from the ship back to Cornwall?

A. Four hours?

Q. Am I mistaken?

A. One hour, not four hours.

Q. I am sorry.

A. It's 20 miles. If the Seaway Authority or somebody would allow us to walk across the gate of the lock and get on the opposite side of the canal, the administration office, we would save half the distance.

Q. In other words, you could go -- the distance to go back to Cornwall would be 10 miles?

A. Approximately 10 miles.

English

Q. Now is there any practical reason why you are not permitted to do so at the moment?

A. I couldn't answer that. Evidently they must have some reason. I don't know why because as I told you even the American pilots get off have to follow the same procedure. I don't know just what it would be.

Now let me qualify this. You said that I said it took an hour. I say that I want an hour. I don't want the taxi driver to go too fast but the taxi drivers sometimes do go too fast and we got nothing to say about that.

Q. Taxi drivers are taxi drivers wherever you meet them.

A. I know, but if you are a taxi driver out here in the City of Montreal and you think he is going too fast, you tell him to stop and I will get off and get another car. When we get in the car, we do not have that privilege. We are, in other words, a prisoner in that car by law.

Q. Let us leave this subject without investigating it further. You have occasion, I take it Pilot, to give security calls all through the transit?

A. Yes sir.

Q. And not only once, but many times I take it?

A. Yes sir.

Q. There are many points in the channel

English

where you do not see what is coming?

A. Yes.

Q. From the other side of the bend. What language do you use to give those security calls?

A. I give the English language. My native language.

Q. Do you hear security calls from other ships?

A. Yes.

Q. And what language is used?

A. They use English.

Q. Has there been any language difficulty, in your experience, in connection with those security calls?

A. Not in our District that I know of.

Q. Ships, in your experience, calling each other have always understood themselves?

A. Well that is -- now wait a minute. Any person that is familiar with the radio-telephone, they will not say an answer yes to that.

Because atmospheric conditions being so bad, some person may hear it and some person may not, in a very reasonable distance too.

Q. When I say difficulties of course Pilot I mean language difficulties.

A. Yes. I would say there has been. There has been cases where, in my experience, where I was not able to use the telephone myself. I thought I was in a place where my main job on there was to take

English

care of what the ship was doing and the telephone had to be answered, so I have asked one of the officers to send out the security call for me and more than once somebody said I don't understand; somebody come back and say who was that? What did you want? They would know the place you were from or you were broadcasting, but they would not understand what was said.

Q. What language would the officer use?

A. English.

THE CHAIRMAN: Mr. Brisset, you asked me to adjourn a little earlier so when you wish ---

MR. BRISSET: This would be an appropriate time. I have only one more set of questions which may take 10 or 15 minutes on one other subject. I think it will be well to adjourn now.

THE CHAIRMAN: We will adjourn now until 2:30 this afternoon.

---LUNCHEON ADJOURNMENT.

* * * * *

TT/RPS 1 English

2 ---UPON RESUMING AT 2:30 P.M.

3

4 CONTINUATION OF CROSS-EXAMINATION BY MR. BRISSET:

5

6 Q. Captain, you told us that the anchorage
7 above Bartlett Point was the last place where a ship
8 could anchor before entering the narrow channel down-
9 bound which stretchs for about 15 miles, and that it is
10 always a difficult decision to take when the pilot does
11 not know what kind of weather he is going to encounter
12 down below, particularly fog. Do you recall this?
13 A. Yes.
14 Q. In these circumstances, it is usual
15 for pilots to put a call on their radio-telephone to
16 upbound traffic to inquire about the weather conditions?
17 A. If you may send out an inquiry message
18 on the calling frequency, any ship that may be in that
19 vicinity would answer you. It wouldn't necessarily
20 be upbound or downbound.
21 Q. I should also qualify that, for a
22 large ship that was the last point you could stop because
23 you could stop below that a little. Do you find that
24 in practice you receive useful information from other
25 ships that are already within that stretch?
26 A. Yes. There is one thing that should
27 be brought to mind here. When you send out on the
28 radio-telephone, the telephone may be receiving and
29 you know it is operating. But, when you send out on
30 it or broadcast a message, you don't know for certainty

English

that that machine is working until somebody answers you. There is no way of knowing.

If it was some place they would broadcast at certain specific times, you know if your machine is working or not.

Q. Do you find there exists good co-operation between pilots in that respect? By that I mean, pilots on board ships within the stretch that may encounter fog -- will they notify ships coming down from Lake Ontario?

A. The regulation says when a pilot meets a hazard to navigation he must broadcast that on the air. So, you send out -- the pilot will send it out automatically. If he runs into fog conditions or something else is wrong, he sends it automatically. There is good co-operation between all mariners. Ships that have not got pilots send out an answer just the same because we help them in return.

Q. Do you think there could be a means of improving this communication between ships coming down and ready to enter that stretch so that they be fully informed of the weather conditions they will likely encounter?

A. When you say "between ships", I don't see how it can be improved any more than it is now. If there was a shore station in the centre of the narrows that would send out that information, it would be a much surer help.

Q. In other words, you consider that an

English

improvement over the system in use by mariners at the present time?

A. Yes.

Q. I want to pass on to another topic, and it is on trips which are made in the open waters of Lake Ontario by pilots in your District.

You have told us that as far as you were concerned you had made, I think, six trips this year.

A. Yes, this year.

Q. And that would be the average for other pilots, I assume, too?

A. I couldn't say whether it was average or not. I do not have the figures. Captain Edwards or our President could answer that on average.

Q. Can you tell us what is the practice in this regard? Let us assume a ship is downbound from the Welland Canal and is proceeding right through into your District. If she requires a pilot for the open waters, where will the pilot come from? Will it come from District 2 or from your District?

A. It would come from our District providing there were any of our men there. It might be a lake man who was specifically for the lake or it might be a No. 1 District man. A No. 1 District man has priority on dispatching at the west end to bring them back to his own District because we are only allowed to be away, I think, 24 hours and if there is nothing in sight. Within 12 hours when we arrive at Port Weller we must return to our station at Cape Vincent.

English

Q. But you will take a ship down, if one requires a pilot, across the lake?

A. Yes.

Q. At times when your District cannot provide a pilot across the lake, No. 2 District pilot will do the work?

A. Yes.

Q. The same applies to take a ship, say, into Toronto downbound -- you will do it by priority or if you have no pilot available then No. 2 District pilot will do it?

A. Yes. The regulation is there if a ship coming out of a certain District and there is no B licence on board, that District must deliver that ship to the next port or to the next District. So, it depends which way the ship is going where the pilot comes from.

Q. Now, when you come through Lake Ontario on a ship which goes to the Port of Toronto, for instance, who will do the piloting into the harbour? Would it be the pilot of your District or will the ship use the harbour pilot that may be there?

A. That is the master's option. The master may order the other pilot or he may take our pilot. The only thing is if one of our No. 1 District pilots is on board and he has to stay on board and the other pilot comes, whose licence is he working under. Has the Toronto Harbour pilot got a special licence to do Toronto Harbour -- no, he is working under

English

the pilot's licence which takes the ship across the lake.

Q. You have the situation where you yourself are on board a ship going to Toronto and the master will ask for the local harbour pilot and you will be both on board. Did you say the Toronto Harbour pilot will perform the work under your licence?

A. I say, yes. That is the debatable question. I say yes, but it can be argued because I don't know what licence that Toronto Harbour pilot has. I do not think he has a licence that will cover for that.

Q. You are aware in Toronto and in Hamilton that the local Authority provides harbour pilots?

A. Yes.

Q. You have mentioned that you made six trips this season and have indicated that at times a ship that has already on board an officer with a B licence will still use a pilot through the Lakes?

A. Yes.

Q. On your six trips you did this season did that happen?

A. On one of them that I know of for sure. I am not sure of the other one. One trip, yes.

Q. There was one officer who had a B licence on board that ship?

A. The master had a B licence.

Q. How would you consider this situation --

English

do you consider at times the master of the ship will ask for a pilot as a matter of convenience?

A. I would say that he is asking --- Speaking as a master, I would say he is asking for it for the safety of the ship. In this particular case we are speaking about, there were only two officers and the master on deck. They had been up for, I think he told me, 22 hours coming down to the Welland Canal. We said his men were competent but to watch out on the lake. So, he asked for a lake pilot.

Q. Wouldn't you agree it was a matter of convenience because he thought ---

AA2 A. Yes, or safety.

Q. You have spoken on trans-lake pilots. Is there a class of pilots who do only this type of work?

A. Yes.

Q. How many are there in your District?

A. I believe our District is the only one that has them. I think the number is set at six. Whether six are working or not, I can't tell you that.

Q. Are they professional pilots or just trans-lake pilots that do only that type of work?

A. Could I refer that to the President or to Captain Edwards? They can probably answer that better than I could. He has the information.

MR. LALONDE: When the witness says six, does he mean six Canadians or Canadians and Americans?

THE WITNESS: I don't know.

English

MR. LALONDE: Those are altogether, both American and Canadian?

THE WITNESS: Yes.

Q. Speaking of this trans-lake work, would you tell us what is your own reaction to it and generally of the other pilots, full-time pilots in your District. Do you like this type of work or would you prefer not to do it?

A. We would prefer --- you asked me two questions -- myself and the rest of the pilots. I think I can speak for the rest of the pilots that we would prefer not to do it. We have sufficient work to keep us occupied in our District. If we take a man away from there and take him up to the other end of the lake, it means he is off for at least 24 hours, possibly longer than that because if he went from Port Weller to Hamilton to Toronto and back down again, he probably would be 48 hours. That is one man less we have to work in our District.

Q. One competent District pilot used to the restricted waters that is off the list for whatever time it might take?

A. Yes.

Q. You don't consider that it helps at all the efficiency of the pilot service within your District?

A. Within our No. 1 District, and no it doesn't help.

Q. Would you tell me what you meant from

English

the practical point of view by your recommendation that in your District ships that are transitting the waters for the first time should have a pilot. Against what type of ships is this recommendation directed?

MR. LALONDE: You should say in favour, my lord.

MR. BRISSET: Either way you want.

THE WITNESS: I really think that the President could answer that more fully than I can, but if you want me to say something ---

Q. Speaking of your own practical experience in the District, can you tell me what you understand yourself?

A. Yes. I can speak from past experience. If I went into some new area and I had to work off a chart, I couldn't give full attention to what my ship was doing. So, it applies, the same thing to any ship that might come into our particular District. For the first trip or two, I think it is two, if he has a pilot there that will let him get a little bit of local knowledge or see what is going on or tell him some of the finer points or something occurred here which don't show on the chart -- he may be a smaller ship but he still can endanger a larger ship. That is what we were referring to. That is what I understand.

Q. Pilotage is compulsory in your District, at least ocean-going vessels, isn't that correct?

A. That is a question I better let the

English legal authorities answer. I believe if you supply a man it is compulsory payment. If he doesn't go on board he doesn't get paid.

Q. I will not bother you with a legal question. I will come to what I had in mind. Is that recommendation directed against little schooners by any chance?

A. Not directed against it.

Q. In favour of it?

A. I wouldn't say in favour. The point is there are many small ships which could be -- if it is less than 250 tons you can classify it as a schooner if you wish, and it would be to the safety of the District if we felt sure. You must remember that many of us, who are directing these ships, when you meet another ship if you are sure the other fellow is going to do what you expect he is going to do, you feel quite competent. You don't do something drastic. All of a sudden you are assuming that, for instance, you get a little schooner and he decides he is going to cut across your bow and you are too late to do anything.

That is why we say if there is a man put on there for a certain length of time it gives him and us confidence. We know somebody has had a little bit of training.

Q. You have mentioned ships less than 250 tons. I have understood this recommendation as having these particular ships in mind. I seem to have been correct.

English

A. That is right.

Q. Thank you.

COMMISSIONER SMITH: I would like to ask the witness a question. There may be some repetition here, Captain.

In connection with the regulations or perhaps the best way to say it is the organizational setup not made in this country which forbids under certain conditions ships using the north channel at Kingston, are there are other anomolies in the regulations or in the setups that work to the disadvantage of Canadian pilots?

THE WITNESS: That happens to be the only area we are in. The question of pilotage services also is against the Canadian pilots.

I mentioned this morning that we had no voice in thespending of certain percentages of our earnings which are spent on the American side. We have no voice in it, absolutely none. We earn the money, the money is collected by the American authorities and spent to their satisfaction any way they wish. We have nothing to say. We just take what is left. If they want to spend it all there is nothing we can do to stop it.

COMMISSIONER SMITH: Are there any others you can think of at the moment?

THE WITNESS: No. I can't say that I can right at the moment.

COMMISSIONER SMITH: Thank you.

English

CROSS-EXAMINATION BY MR. JACQUES:

Q. Mention has been made of trans-lake piloting. Would you indicate to the Commission the difficulties encountered in crossing the Lakes?

A. There are no difficulties encountered in crossing the Lakes than you find anywhere else out of the fact the regulations put in force in that the American and Canadian Governments saying a man, some officer of that ship, must have crossed this area for two trips and sat for a licence. The B licence means he has to show that he is familiar with the different regulations that vary from the International regulations.

Q. Apart from regulations, are there any currents or tight spots encountered which would make navigation difficult?

A. No. Outside of going out through the island, but these men are quite competent to do that.

Q. As far as you can see, it is merely a case of being familiar with the lake rules of the road?

A. Yes. And being familiar with the practice on the lake, such as one of the main things is for the ship to follow your east and westbound courses or up and downbound courses, whichever you wish to call them. I am emphasizing the fact that they should stay on the courses that are shown on the chart and they are designed for specific service of keeping the lines of traffic apart. Very often foreign shipping do not seem

English

to realize the importance of that.

Q. Does it happen that you board a ship
AA3 at Cornwall and have to take her down to Port Weller?

A. No sir. We objected to that when this first opened up and the Department was kind enough to agree with what we asked for--Some of the turn was not in our Canadian one either -that if they took a ship up and took them across the lake, we asked that all pilots be relieved on arrival at Cape Vincent, either up or down.

Q. Another pilot boards the ship?

A. That is right.

Q. Have you ever taken a ship to Toronto and Hamilton Harbour?

A. Sorry, I didn't get that.

Q. Have you ever taken a ship into Toronto or Hamilton?

A. Many times.

Q. Did you use the mud pilot?

A. Yes. I did have one opportunity to use it here a couple of weeks ago.

Q. Did you make any recommendation to the master as regards the use of the local pilot?

A. No. Any time it was asked to me --- I beg your pardon, I must have misunderstood you. Did you say mud pilot or local pilot?

Q. Local pilot.

A. When you said mud pilot I thought you were referring to the anchor. That would be up to the

English

master if the master ---

Q. I understand that. Did you make any recommendation to the master in that respect? Did you advise the master -- did you say, I advise you to take the local pilot or I advise you not to?

A. I wouldn't. If he would ask me I would say, that is your option captain. That is the only thing I would say.

==========

/RPS

English

Now the only thing I will say to that is this: If you are a master on your own ship and you were coming into that port and you had an accident and you did not have a local pilot on board, the insurance might say why? We might be classed as a local pilot. That is up to the master to decide which he wants to do. He must make the decision.

Q. And that is what you would say?

A. Yes sir. I have said it.

Q. You have said that?

A. Yes sir.

Q. That is what I want to know. What you have said.

MR. LALONDE: Could we know from the witness whether he has used, in fact, local pilots in Toronto?

THE WITNESS: Yes sir. When the master so desired. We are only advising the master. We are not in command.

MR. LALONDE: I thought you might have been confused with the anchor again.

THE WITNESS: No, not this time.

Q. You have been plying the waters of the Great Lakes for the last 42 years. Is that correct?

A. Oh more than that. Since 1921.

Q. That is 42 years.

A. Okay sir. I don't think that fast.

Q. And you became -- when did you get your first job as master?

A. 1929.

English

Q. You were on a canal-sized ship then?

A. Yes sir.

Q. You gave many details on the various currents in your District?

A. Yes sir.

Q. Have you made any particular study of these currents?

A. Any mariner who takes his ship up and down any stretch of water makes a study of what he may find. He looks at the contour of the land. He looksat the way the current should be flowing and then if he finds that, okay. If he doesn't, well he finds something else, but that is automatic with any mariner.

Q. Yes, but with you is that what you did?

A. Well that is the only way of finding it out.

Q. But that is what you did?

A. Yes.

Q. You did that when you were master?

A. Yes. You would start before you were master. When you were first learning to pilot the District.

Q. And when you became master you were, I imagine, fairly familiar with these currents?

A. Let us say that I thought I was. There have been a lot of older people who would not agree with me.

Q. But you thought you were at that

English time. How long did you serve as mate before becoming a master?

A. Five years as 1st officer.

Q. Always in the same waters?

A. Well the Gulf of St. Lawrence and the Great Lakes.

Q. These currents which you have indicated on the chart, have they changed a lot during the past few years?

A. Yes. You must remember that Lake St. Lawrence was created and the current is much different there now than it was then.

Q. That created a big difference?

A. Yes. The current used to be very fast previous to that.

Q. Now since the beginning of the operation of the Seaway have you noticed major changes in currents?

A. Yes, in certain localities.

Q. Where, for instance?

A. Like Iroquois, like the power dam; Massena oil terminal. That is current we never had before. That has been created. Outside of that I cannot think of anything except the lessening of the current in that area.

Q. Now you have described various manoeuvres, say using engines to kick the ship around or to break her and doing all that with your ship. Is that something peculiar to your own District?

English

A. No sir. That would pertain to any docking that you were doing. The action of the current around the particular dock you were making might have a little effect but it would be the same action you would take.

Q. Basically it is the same manoeuvre?

A. Basically it is the same, yes.

Q. When you were a master did you have nearly the same aids to navigation as you have now?

A. Not near as many; not near as many in those days.

Q. Would you indicate to the Commission the evolution which took place. Did you have radio-telephone?

A. No sir. You did not have any of that stuff. 50 years ago your automobiles weren't much like they are today either, or 40 years ago.

Q. So you did not have radio-telephone?

A. There was no radio-telephone. There was no gyrocompass. There was no radar. There was not even direction finders.

Q. How did you communicate with one ship to the other?

A. You didn't.

Q. Did you go through then the American narrows?

A. Yes.

Q. How did you manage?

A. Well you must consider that the ships

English

were much smaller then and that two small ships could meet in a particular place there; didn't have the same trouble.

Q. Didn't have the same speed either did you?

A. No, you didn't have the same speed nor the same draught and they would come down to where there was a bend, you couldn't see -- in fact today, even today the regulation does not say that the sending out of security calls will satisfy the regulations.

The regulations state you shall blow a long blast on your whistle. Long blast on your whistle is not used too much any more, unless you know that your telephone is not working because the least little bit of wind against it and they couldn't hear it.

Q. Sound is very funny.

A. Sound will not travel sir.

Q. Will you turn around and look at Exhibit 465 which is Kingston Harbour chart. I refer you to Kingston elevator near the limit of your District. Do you take many foreign-going ships there?

A. Quite a few. The number is increasing. Quite a few but usually they are going over to the Richardson dock here. That is the dock where they load the general freight.

Q. And when you take them there, are they eastbound or westbound?

A. They could be either way. Usually

English

westbound cargoes are cargoes that are coming in from Europe and are being unloaded.

Q. At the elevator?

A. Well not at the elevator. At this Richardson dock. It's only a grain handling dock. They don't have much other wharfage at the elevator.

Q. Has it happened to you that after a foreign-going ship was taken to Richardson's wharf and stayed there for a few days to unload, that you would have to go aboard and take her out of Kingston Harbour and then turn her over to a class B pilot, or an officer holding a class B certificate?

A. No. I never have had that. One of my trips this summer, I was sent -- I happened to become first on turn and low on lake ships and I was sent out and she didn't have a B licence so I took her to the west end and then as I was low on lake ships, I took her across to Toronto.

Q. Coming out of the elevator, or Richardson's wharf are there any major navigational problems?

A. The area is so limited, it is always -- in the first place, you come out of here you can't turn a ship around. You haven't got room enough here (indicating). If there is a ship on the unloading side at the elevator, you are restricted again. Most times you have to try to back your ship out until it is abeam of this elevator and turn in there. Now once you get outside of that dredged channel, you only have

English

six feet of water so you have only got your white which is about, oh I would say about 600 feet across there so you try to back your ship out. You have got to turn around and swing her out, if you can't get a tug.

Q. Are there tugs available?

A. Sometimes. Only sometimes one tug up there. He is available sometimes, if the master wants a tug. You have no option. The master is the one that decides that, not you.

Q. After you have turned your ship around, are there any problems which you encounter?

A. No. Just come outside and take her here or here and hereeither on this set of ranges to come out or on the deep water channel coming up above here, whichever is necessary.

Q. Now sir another subject. You have mentioned blind spots in the vicinity of electric cables as regards radio communication. How far would you say on each side of these cables you would encounter blind spots?

A. Well it depends upon where you are trying to reach. If you are trying to reach a station, say a shore station and say the transmission cables were between you and the other station, you would not get very far. It would just be like a curtain cutting you off. If you were trying to talk to another ship, you get that ship quite easily but you couldn't get a shore station.

English

Q. Does it occur very frequently?

A. Yes. In almost all cases where you have transmission lines running across the River overhead. That would apply the same way at the Thousand Island Bridge. Any of those bridges. Sometimes you will get them farther away. When you get close to them, you are cut off until you pass it.

Q. As regards wheelsmen, you have mentioned mistakes which might be made by foreign-speaking wheelsmen. Has it ever occurred to you that a mistake was made by English-speaking wheelsmen?

A. Yes sir.

Q. It has?

A. Yes sir.

Q. With the same consequence as the other?

A. Well yes. When a mistake is made your ship is endangered.

Q. Is she in immediate danger at all times after a mistake?

A. If your channel is 450 feet wide and a little mistake is made -- I will give you an instance that happened, got it marked right on here.

BB2

Q. You refer to Exhibit 827, list of reported casualties involving pilots of the District of Kingston for 1962?

A. That is right. I guess that is what it is.

Q. Yes, would you read it please?

English

A. On June 30th, the AMACITÉ, nature: hit shoal, steering gear. That is all it gives on there. The ship was coming down, broad daylight doing 13 knots and everything is normal except that when I went on board the ship the captain said to me, when I asked him about the different things, he said everything is all right except the steering gear or the rudder indicator. He said pay no attention to it. It was swinging from 15 to 20 degrees all the time, from one side to the other so naturally you don't pay any attention to it.

We got down above the Brockville narrows and it was steady on a set of ranges and I stepped back to the telephone to send out a security that I would be entering the Brockville narrows in 10 minutes eastbound and when I stepped back again to the front window, I noticed he was a little to the north of the set of ranges so I ordered starboard helm. He answered me. Ship swung more to the north. I said more starboard. He answered me and the ship started to swing harder to the port so I said hard starboard and I said to the officer for God's sake he hasn't put that wheel the wrong way? So the officer jumped over to the wheelstand and said the steering gear is gone. In one minute and five seconds from the time that happened we were 500 feet outside the channel and it struck.

Q. How long did you say?

A. One minute and five seconds.

Q. You were how far out?

English

A. 500 feet.

Q. That is steering gear failure?

A. That is steering gear failure. It was electric steering gear. The steering gear went out. The rudder went hard aport. Not only that the pilot was blamed for it. That is the truth. The only thing was that the engineer that was brought up from Sperry said that there was nothing the matter with the steering gear. The inspector brought down from Ottawa and from the Seaway said well there is nothing the matter with the steering gear, we will have to put it down to human error. There was only one human error. The officer on board the ship told two different pilots from there on, within a couple of days, that the pilot that was on that ship was to blame but the third pilot going on board, when they were taking the ship into the Upper Beauharnois Lock, the same thing happened except that the Sperry man was on board there and he fixed it immediately. That is a fact. That is some of the hazards a poor pilot has to take.

Q. Was the human error rectified afterwards?

A. I don't know, but there is nothing there.

Q. I see that the penalty, if any, contains mention "nil" so I guess it was corrected.

A. And another thing I found out that that same ship had had steering gear failure in Amsterdam on the way over but we have nobody to protect

English

us.

Q. Have you yourself been involved in any accident or incident due to error on the part of the wheelsman?

A. Incident, not accident.

Q. Or incident?

A. Yes.

Q. Would you tell us about that?

A. Well there was two cases. One case was at Cat Island. That is a year ago last May going down at nighttime, was on English ---

Q. What was the nationality of the ship?

A. It was an English ship. The wheelsman put the rudder -- I ordered port helm and he put starboard and she didn't swing fast enough and there was no indicator visible.

Q. Were you in the wheelhouse then?

A. Yes sir. It was about 2:30 in the morning and when she didn't swing enough I ordered more port helm and all of a sudden she started to swing very fast to starboard so I jumped back. I knew what was the matter, I jumped back and said to the mate, he has put the rudder the wrong way. The mate was right there and he grabbed the wheel and put it the other way and didn't know whether the ship was going to clear or not. It was one thing to do, just leave her going full speed -- if she had been going full speed and she had struck, I would have been wrong. She would have

English

done a lot of damage.

Another incident was on a Norweigan ship up at Colbourne Island, just below Clayton the same thing happened. In that case there was some passengers on board the ship and the officer on watch was talking with the passengers and the man at the wheel was listening to them and not to me.

Q. That man who was at the wheel, was that the first time that he had taken the wheel on that ship with you?

A. Oh that I couldn't answer.

Q. You didn't see whether he steered ---

A. You can't look, if they change every half an hour, they change every few hours, you don't look at what man is on there.

Q. Prior to the incident have you given him any orders?

A. Yes, lots of orders.

Q. Had he carried them out?

A. Yes. That is why I say no matter how competent a man may be, if you don't have somebody standing up there to watch him in narrow waters, only has to make one little mistake.

Q. Now you have mentioned rudder indicator and you have mentioned that one ship had them on the wing of the bridge. Is that correct?

A. I said you could see them from the wing of the bridge. They were on the outside of the pilothouse. They were on the outside wall of the

English

pilothouse. A man standing on the wing of the bridge could see them very distinctly.

Q. And did you find that useful?

A. Very useful. Very much so. The ones we spoke about before that are down on the wheelstand, invariably when you are making the wall or a lock, you have to be in the wing of the bridge, there will be an officer standing in the doorway giving your orders to the man at the wheel or to make sure it is understood but he is between you and your line of vision on the bottom of the wheelstand, if it is a ship that the wheelstand is far enough so that a red and green light -- that is why it doesn't show.

Q. Normally you don't see the rudder indicator on the wheel?

A. Not when you are docking.

Q. Has it ever happened that the dredged channel in your District was completely blocked after a marine casualty?

A. No, not in late years. Partially blocked, not complete blocked that I can recall.

Q. You were piloting then?

A. At that time?

Q. Yes?

A. No, I was not piloting at that time when I am thinking about.

Q. You were master?

A. Yes.

Q. Did you have occasion to go through these

English waters when they were partially blocked?

A. Let me qualify on that: it was the time the MILVERTON and the TRANS LAKE or TRANS RIVER had the collision below Iroquois and the MILVERTON eventually floated downriver to the upper end of the rapids. Instead of going down the rapids, we turned and went in down through the Morrisburg Canal. That was in smaller class ships. That is not the ship like you have now.

Q. Since you started operating?

A. No.

Q. Is there any place where it will be possible -- except the lock, mind you -- to block the whole channel?

A. Yes.

Q. Would you tell us about these places? American narrows for instance?

A. American narrows, yes. You have got the minimum width of 400 feet. Any ship that draws more than 400 feet ----

Q. That is longer than 400 feet?

A. Pardon me, longer than 400 feet could conceivably block the channel. The Brockville narrows from the Eisenhower Lock up to above Richards Point, or in many other sections. I cannot exactly name them off but that will give you some. There is very few places, possibly 35 miles in our District that would be the extreme, that there is not a shoal within less than 500 feet of your channel, one side or the other.

English

Sometimes both sides.

Q. Now sir you have been 42 years on the Lakes. Would you tell the Commission how many accidents, using the boom to lower men on the dock, you have witnessed?

A. Two.

Q. Would youtell us about that?

A. One was this summer when the boom let go. Another one was many years ago on my own ship -- I am speaking about, you said that I witnessed?

Q. Yes?

A. On my own ship where the man went down between the ship and the wall. The boom did not break but he happened to have on a pair of greasy gloves I think it was in that particular case and he just couldn't control his weight when they swung out over the ship's side.

THE CHAIRMAN: I understand in the old lock system it was the same thing? The same procedure?

THE WITNESS: Yes sir, same procedure.

Q. Now sir you have another recommendation, recommendation 10 requesting two pilots after December 1st. Are your trips longer after December 1st?

A. Not necessarily longer, although they can be. The point is you must remember that especially in foreign ships you can only see in one direction. You cannot see back behind the ship, unless you walk outto the end of the bridge in a lot of them. The lake ships, you can see back over the stern. If it

BB3

English

is a time of the year when you got heavy haze, steam rising off the water from extreme cold weather, very hazardous. The experience of two men we have, where one man has to run out to the end of the wing of the bridge, something like that, to look back, one is paying attention and the other is looking for something else. We had one case where in January a ship just off the dry dock ---

Q. Which dry dock?

A. Kingston Shipyards went ashore coming down the River. Pilot didn't have much chance. He didn't have any chance. If he had anybody with him, he might have had a chance. It was not a big ship either. Only a tug.

Q. Thank you sir.

COMMISSIONER SMITH: My lord, I just wanted to ask one question. Captain you have said, quite properly that the captain is always in command of his ship, which is a recognized law of the sea. You referred to an incident, correct me if I am misstating anything, that happened to you personally at Kingston where a question of a tug was involved, only one tug being available there and you mentioned that the captain would not, I suppose, order the tug because of the expense.

What would happen in the case of that situation and the pilot saying to the master well unless you do order a tug, or get your agent to order one, I won't tie this ship up to the quay? What would

English

happen in a case like that?

THE WITNESS: Well that is kind of a hard one to answer. If you are on there advising, if you tell him you won't do something, you must have a good reason to do so because you would have to go before a Board of Inquiry which sometimes -- I don't think that our Captain Edwards is that tough, but he could be, and answer why you didn't do it and you would pretty near have to prove that you had a legitimate reason for not doing so.

I don't think they could do much to you. You didn't do any damage. The only thing would be you would be delaying the ship. I don't know what the captain would do. Maybe take it over himself. That is his prerogative.

COMMISSIONER SMITH: To take over command of the ship himself?

THE WITNESS: That is right. In fact we have had cases sir where the captain, not being quite satisfied with the procedure, would take over the command of the ship, do a certain number of manoeuvres that he thought was right and then hand it back to the pilot when it was almost possible for the pilot to handle the ship there without getting into trouble and that is not hearsay. That is the truth. That is a case where two men are trying to make up their mind about how a certain procedure should be done.

COMMISSIONER SMITH: Thank you Captain.

THE CHAIRMAN: And of course you would not

English

refuse to handle the ship unless there was some danger to the ship?

THE WITNESS: That is right sir.

THE CHAIRMAN: Not only because it would be easier?

THE WITNESS: No, in your judgment it would be endangering the ship, property of the ship or the shore property.

THE CHAIRMAN: Not just because it might be easier doing it that way with two or three tugs?

THE WITNESS: No. That is because all you can do is recommend to the captain. If he doesn't want to accept your recommendation, you do the best you can and then somebody else will have to decide whether you done wrong or not.

T/RPS

English

THE CHAIRMAN: In a case that a manoeuvre is going to be almost inevitable, an accident, would you go ahead and do what the captain wants anyway?

THE WITNESS: Your honour, that is a hard question because nobody can say with certainty that there is going to be an accident. You may take a ship and do something with it, that you are sure at the time that you were going to have an accident -- in order to satisfy somebody you can do it -- and the accident did not happen and you were told you were nervous for nothing.

The same thing can happen in reverse. Some of the times you think nothing is going to happen and it does happen.

Nobody can answer what is right or wrong, I don't think.

THE CHAIRMAN: Changing the subject, you said about 25 per cent of your earnings were being spent without you having anything to say about it. Is a report being made to you of what was done with the 25 per cent?

THE WITNESS: You would have to ask our President about that.

THE CHAIRMAN: Do you personally -- the pilots?

THE WITNESS: We have a report, a financial report every year from our own Corporation. Our own Corporation does not show on that report what has been done about the money that has been received from the

English

Americans as far as I know. The President could probably answer that question more thoroughly.

THE CHAIRMAN: You said you are asked at times to do lake pilotage and that brings you into various harbours around the lakes?

THE WITNESS: Yes.

THE CHAIRMAN: You mentioned there was Rochester and Oswego and you have never been there?

THE WITNESS: I said I never had taken a ship there, a foreign ship. I have been there many times in past years.

THE CHAIRMAN: As a pilot?

THE WITNESS: No sir not as a pilot.

THE CHAIRMAN: How many times have you been there, say, in the last five years?

THE WITNESS: Never.

THE CHAIRMAN: Do you know whether there has been changes there in the harbour?

THE WITNESS: On the bulletin boards, the Notice to Mariners by both Canadian and American Authorities are placed out there, and it is through Captain Edwards, he marks or has marked in red, articles that pertain to our District that are of special attention. The bulletins are sent out for all the Great Lakes.

THE CHAIRMAN: Before boarding a ship at Cape Vincent and Snell, did you always pass by the pilot office?

THE WITNESS: No.

English

THE CHAIRMAN: You go straight to the ship?

THE WITNESS: At times, depending on how much time you have off.

THE CHAIRMAN: How then are you posted as to various weather conditions and water levels?

THE WITNESS: There are two bulletin boards, one at Snell Lock and one at Alexandria Point, at Mr.Dougan's home, which are posted the same time as Captain Edwards receives them. You go over them as you come in or as you go out.

THE CHAIRMAN: That meansthey are posted at Snell or at Mr.Dougan's?

THE WITNESS: Yes. They may be posted at Cape Vincent, I don't know. I have never been there.

THE CHAIRMAN: At those two places you always go through there -- Mr.Dougan's office on the island and also the office at Snell?

THE WITNESS: Yes.

RE-DIRECT EXAMINATION BY MR. LALONDE:

Q. You were questioned, Captain Davis, about the number of trips you think you should make in your District. You have mentioned there were peaks inthe spring and fall. Would you state to this Commission what effect these peaks have. I presume in the spring you have a large amount of ships going up and in the fall you have the reverse procedure, is that the case?

A. That is right.

English

Q. What happens -- do you have to travel from one end of the District to the other by car or train or what?

A. Some kind of conveyance. Some kind of public conveyance of some kind. It could be one or the other. If you are at an intermediate point, if yourship does not come, you have sufficient time to travel by public conveyance. Then they are asked if they want a pilot sent by taxi or something like that, if in a hurry. They tell you yes or no.

Q. How many miles by road does that represent from Kingston to Cornwall?

A. I would say 100. Somewhere around 100. I'd say between 95 and 105. I wouldn't know exactly.

Q. So that if in the spring and fall, for instance, you are making let us say three trips or four trips a week during certain periods at least, you would have to take this into consideration -- this transportation you would have to make?

A. Yes.

Q. Does this cover a very limited period of the year or does it extend over a few weeks?

A. In the spring of the year. It depends --- Actually it depends on the way the schedule is set up by the shipping companies and the time element as to when the Seaway opens. Ships that are coming up from Europe have to start six weeks ahead -- three to six weeks.

English

Q. My question is, in your experience over the last two or three years has this practice extended over a very very limited time?

A. I would say about three weeks.

Q. You stated, I think, that the pilot would be useful to advise and help along the ship's wheelsman and you added something about exceptional circumstances or conditions. What were you referring to when you said you would ask your wheelsman to take over?

A. If we were in narrow waters and we were meeting another ship, if we were in a 450-foot channel and there was a possibility of error involving the ship and if you were making a wall or something like that, that would be in conditions where the ship would be endangered.

Q. My friend Mr. Brisset showed you a statement which represented a report of casualties for 1961 and 1962 which had only two sheets. I notice that Exhibit 827 produced before this Commission covers a longer period. Would you look at this exhibit and find in this list any cases which illustrate where you think the cause was attributable to the crew's error or wheelsman's error or something like that?

MR. BRISSET: We have already done that with the previous witness. It was covered very fully.

MR. LALONDE: 1961, 1962?

MR. BRISSET: With one of the prior captains, we went over this exhibit very carefully.

English

MR. LALONDE: You mean to say for the Kingston District?

MR. BRISSET: Yes.

MR. JACQUES: There are some marks on that exhibit where the questions just put by my learned friend have been answered because I have circled them.

MR. BRISSET: The document has not been filed as yet. The witness was allowed to have my copy and I illustrated the number of accidents and gave the number involving errors. That was during the last session.

MR. LALONDE: In Montreal?

MR. BRISSET: Yes. The last week we were here in Montreal.

MR. LALONDE: We had witnesses only in the Cornwall District as far as I can remember.

MR. BRISSET: He reviewed it for the Cornwall District and also for the years prior to the division of the District because for 1960 they were covering the whole of the District.

MR. LALONDE: This document was tabled this morning.

CC2

MR. BRISSET: I had submitted a copy to the witne at the time without giving it any number. I must say I can assure you it was fully covered.

MR. LALONDE: At any rate, this exhibit would show at least 24 instances since 1956 where an accident or incident would be due to wheelsmen's error or something of the sort.

English

MR. JACQUES: I don't remember that many. Seven wheelsmen's error and 22 crew's error.

THE CHAIRMAN: You are talking about Exhibit 827?

MR. JACQUES: Yes, my lord.

MR. LALONDE: I would argue with my friend re the 22. He has not circled some which I might argue. What should they be attributed to isn't quite clear.

Q. The main point I want to raise with you -- I notice the first three incidents or accidents in 1962 is indicated as cause, wind and that the ship hit a quay, lock and wall. In a case like this, can you consider this as cause? Does this tell you anything about what happened in the accident?

A. Are you asking my opinion?

Q. Yes.

A. Well, in my opinion, if a pilot in these conditions he was making a wall or a lock wall or a lock and he is out at the wing of the bridge and he does not know exactly -- he can order 20 degrees of starboard rudder but he does not know if he gets 20 degrees or 5 degrees. If he walked into the pilothouse he might see 20 degrees was put on, and he might take two steps outside the door and the man would take it off to five degrees. This has happened. You don't know the contributing factor. A gust of wind could happen. What do you say, you order something and it should take place and then when it ends up that

English

the ship does not respond, so you say well I can't prove that the man eased off his rudder although he knows it is common practice.

Some of the ships have very heavy steering gears. To get the man at the wheel to put on a degree of rudder you want, it is sometimes very hard. I have had an occasion just within the last couple of weeks that the master was there and I told him to put the rudder hard over, and the master said hard over, and the man at the wheel understood English all right. A couple of minutes later I took a look at it and it had 25 degrees. I turned to the captain and said: "Captain, is 25 degrees the most your rudder would go over?" He went over to the man at the wheel and told him to immediately put on 10 more degrees. The man did not put it on because it was hard to put on the last ten degrees.

When we say it is wind, we cannot prove anything else. Wind is a contributing factor. If we had somebody who could see there, we might be in a little better position.

Q. The only point I want to mention here is with regard to these accidents. Is that the number of times where it is specially mentioned that it is the accident or incident that is due to crew error or wheelsman error, it doesn't state necessarily that these are the only times.

All these incidents where we have wind as the cause of the accident, or current -- this was

English -
argued before -- cannot be stated quite clearly as being causes of accident?

THE CHAIRMAN: Unless there is a full inquiry to find out and all the witnesses questioned before.

MR. LALONDE: It does not prove one thing one way or the other.

MR. JACQUES: Most of the statements, if not all the them, are extracted from pilots' reports and in those cases I imagine the pilots would say that the accident was caused by wind or through wheelsman's error or crew error.

THE CHAIRMAN: I think we said before that you are going to have to ask the one in Ottawa, who prepared those, so he can state his sources.

MR. JACQUES: We know the sources, my lord, but I have no objection to filing all these files. It would be cumbersome to carry around. They are available in Ottawa.

THE CHAIRMAN: In view of the remarks made, I think it would be advisable to test this exhibit by looking into a few files when we are in Ottawa to find out.

MR. JACQUES: Yes, to do a spot check.

MR. LALONDE: On the other hand, not wanting to go into argument, I would like to raise a point. My friend stated to the effect -- all right, even if the pilot has put wind -- as the pilot has stated, if the accident occurs while on the bridge, that is what they do when they get next to a wall or lock, he is not in

English

a position to either say it is due to gust of wind or whether it is due to the fact that the wheelsman has not given the exact degrees, and it is pretty hard to write any report unless you are sure it is due to this or that man.

We might go further with the witness ---

THE CHAIRMAN: Before assuming that, we better have more evidence.

MR. JACQUES: We are merely speculating and we are wasting time. If my friend wants to choose out of these accidents, we will have the files here the next time we sit in Montreal, perhaps this week.

MR. LALONDE: The only thing I want to stress -- it is on the number of incidents where it is specifically mentioned that the wheelsmen's error is not indicative as to the exact number of cases where this could have happened.

All other incidents where it is wind or current could be any types of causes which are not specifically in that file. I do not say this to prove one point against the other. It is just that one cannot argue on the basis of this document that there were only six or seven or twenty incidents due to wheelsmen's error. There are seven which are specifically identified as wheelsmen's error.

MR. LALONDE: The point is, as the witness has indicated in a number of instances, there is a wall or lock or quay and you are not in the wheelhouse to see whether your orders were exactly followed. This is

English

the way I understood the witness to explain it. This is the only point I want to raise in this record.

MR. BRISSET: It is very easy for the pilot to say it is the wheelsman's error.

THE CHAIRMAN: I think we would like to find out how this exhibit was compiled, what it is made of and what is its value, and we would like to have further evidence when in Ottawa.

MR. JACQUES: Very well.

MR. LALONDE: The witness seems to have something to say about what Mr. Brisset said.

THE WITNESS: Yes. As he said, it was very easy for the pilot to say that it was wind. In other words that it was the pilot's fault. His insinuation was that it was the pilot's fault, that the pilot made the miss on his judgment. At the same time I would recall to our learned friend the case of the AMASITI. The inspector said it was the pilot's fault and it was proven otherwise later.

MR. LALONDE: In fact when you get to make a wall or a lock or a quay, do you stand in the wheelhouse next to the wheelsman?

CC3 THE WITNESS: No. On small ships you may be able to do that. On large ship you cannot do that. You cannot see enough. You must be out at the side of the ship. That is one of the reasons in many of the reports I have noticed, the ship has struck a wall. In order to swing our men out you must have the ship up against the wall. Now, if you put your ship up within

English

two or three feet of the wall and the wind is blowing on that wall and you have only got a certain length, maybe six feet, of a pier, and you can wait on shore, you have to stop. If you put her that close you have no way of controlling her, the wind will shove her on pier.

Having a linesman there, you do not have to put her that close. You can put her, I don't know, 10 or 12 feet and the lines can be passed ashore. You have a little more control. Where you have to put it close up against the pier so the captain will swing his man ashore to take the lines, two or three feet is not very much on a big ship.

Q. You were asked questions as to how navigation was when you were master in the first years in your District . Would you tell the Commission if there was night navigation at the time?

A. In certain sections of the River. We are speaking of No. 1 District now?

Q. Yes.

A. Yes, in certain sections of the River there was. Up until roughly 1938 there were very few ships that would run the rapids in that section of the River between Iroquois and Cornwall.

Q. Was there as much traffic as there is today?

A. No. Just a minute. That is not quite right. There is probably --- Yes, I know there were many small lakers but the ships were not only as big.

English

Unless I saw the figure I couldn't tell you. Don't forget there were a hundred lakers tied up the spring they opened the Seaway.

Q. You mentioned the main difficulties of getting off Richardson wharf, and you said that once you had got into the main channel everything was easy. Are you referring to your experience as a pilot or are you saying that any ship, any sea-going ship or instance, could get out of there without a pilot and proceed without any difficulty? Would it be an advantage or convenient that this elevator be out of the District?

A. Advantage to --- ?

Q. Would it be safe?

A. If you have a ship coming in which has made many trips in a year it would probably go ahead and do it. Supposing a ship comes along that has not been in there, which many foreign ships have not been into those places, they want a pilot. I was on one here just the day before -- Thursday I think it was. The captain has been here many years up and down here. His great complaint is that in many of the ports where he held a B licence and where he did not have a pilot to help him in local knowledge. He said it was ridiculous, and it was the only place in the world where you would find those conditions.

CROSS-EXAMINATION BY MR. JACQUES:

Q. Pilot, when you dock a ship, do you

English

take wind into account?

A. Naturally, you have to take all the elements into account -- wind, current, the possibility of the linesmen getting your lines ashore. You evaluate them.

Q. If, for instance, wind were the cause of an accident, how would you explain it? Would it be the wind prevailing when you approached the dock or the sudden change in the wind?

A. Gusty. You may have a wind blowing at a certain velocity. It is perfectly normal. It isn't absolutely safe but the conditions are such that you think you can make that without doing damage to the shore or ship, and all of a sudden you get there and you get a sudden gust of wind. That happens very frequently.

Q. When it is mentioned in Exhibit 827 that wind caused the incidents rather than accidents because they still come and hit the wall.

A. When you hit something, it is an accident.

Q. There has to be a concurrence of events. The gust of wind would have to arrive exactly at the same time the man at the wheel does not put the wheel the right way or does not put enough on it.

A. That could all enter into it. The fact you ordered so much rudder on and he had eased it off at that particular time. You would be surprised at the number of people who were steering ships and they

English

can see and they know the answers of what a ship will do. That is just human error. If you put them down in Conning Tower and they cannot see out, maybe that would be better. It does happen.

Q. That is what the Navy does.

A. Yes. The Navy has many more men to operate than we have.

THE CHAIRMAN: Are there any further questions?

Thank you, Captain.

We will adjourn for a few minutes.

---A SHORT RECESS.

R/RPS

English

---FOLLOWING THE SHORT RECESS:

MR. JACQUES: My lord, I have secured a sufficient number of copies of the workload for the District of Cornwall, the least busy month, the month of July and the busiest month, the month of October to be filed as Exhibit No. 828.

THE CHAIRMAN: In a bundle?

MR. JACQUES: Yes my lord.

---EXHIBIT NO. 828: Workload for the District of Cornwall, the least busy month, the month of July and the busiest month, the month of October.

MR. JACQUES: Mr. Edwards please?

JOHN ALAN EDWARDS, Sworn

MR. LALONDE: My lord, these ehxibits have figures in hours with decimals and it would seem these decimals are tenths of hours.

MR. JACQUES: They were explained by Captain Jones when he first filed this type of exhibit and frankly I don't recall. They are tenths of hours.

MR. LALONDE: Go to a lot of trouble.

MR. JACQUES: I should like to resume the evidence of Captain John Alan Edwards, Supervisor of Pilots in Cornwall. The evidence he has given before this Commission on District No. 1 is contained in Volume

English

72 of the evidence, page 8,889 and following and I have secured PC 1960, 1571 creating District No. 1 or Kingston District and PC 1960, 1569 rescinding St. Lawrence Kingston-Ottawa Pilotage District. I should like to file those in a bundle as Exhibit 829.

---EXHIBIT NO. 829: PC 1960, 1571 creating No. 1 District or Kingston District, as well as PC 1960, 1569 rescinding the St. Lawrence Kingston-Ottawa Pilotage District.

CONTINUATION OF DIRECT EXAMINATION BY MR. JACQUES:

Q. Captain Edwards I show you a list of District pilots, their grade of certificates of competency and year of birth. Would you tell me whether this was prepared in your office and whether this is exact?

A. This was prepared in the Cornwall Pilot Office and is extracted from the information on hand in that office.

Q. To the best of your recollection is it exact?

A. It is exact.

Q. I would like to file this document as Exhibit 830.

---EXHIBIT NO. 830: List of District pilots, their grade of certificates of competency and year of birth for District No. 1.

English

Q. I show you two documents entitled pilots on strength in the Kingston Pilotage District as of October 21st including Lake Ontario pilots and also including U.S. pilots No. 1 Great Lakes Basin and applicant pilots registered for Lake Ontario. Would you look at these two documents and tell me whether they are exact?

A. That is correct.

MR. JACQUES: I would like to file these two documents in a bundle as Exhibit 831. I believe the Commission has been supplied with copies of these documents or if not, they are available to inspect them.

---EXHIBIT NO. 831: Pilots on strength in District No. 1 including both Canadian and American pilots and applicant pilots and Lake Ontario pilots.

Q. Captain I show you a bundle of documents entitled Kingston Pilotage District monthly summary of trips for the year 1962. Would you look at that and tell me whether this was prepared in your office?

A. Prepared in my office by myself.

Q. And what do they show?

A. They show the monthly summary of trips by days of the dispatcher of pilots at the Cornwall Pilotage Office and the Cape Vincent Pilotage Office broken down for the District pilots by through-District trips, partial-District trips or a trip to the Lake or a trip from the Lake and Port Weller pilots

English
arriving at or departing from Cape Vincent and from
July the Port Weller pilots ---

Q. Of 1962?

A. Of 1962, yes, from July 1962 the Port Weller pilots plus the four special Lake pilots, the day by day summary of their trips on and off the Lake.

MR. JACQUES: I would like to file this document as Exhibit 832 my lord.

---EXHIBIT NO. 832: Monthly summary of trips by days of the dispatcher of pilots at the Cornwall Pilotage Office and the Cape Vincent Pilotage Office broken down for the District pilots by through-District trips, partial-District trips or a trip to the Lake or a trip from the Lake and Port Weller pilots arriving at or departing from Cape Vincent to Port Weller from July, 1962. Included therein also is a day by day summary of the trips of the four special Lake pilots illustrating their trips on and off the Lake.

Q. I show you another bundle of documents of the same forms from April 1963 to September 1963. Would you look at these documents and tell me whether they were prepared in your office?

A. Yes, they were prepared in my office and reflect the same information as referred to in the summary for 1962.

MR. JACQUES: I would like to file this

English

as Exhibit 833.

---EXHIBIT NO. 833: Bundle of documents of the same forms as Exhibit 832 reflecting the same information as Exhibit No. 832 excepting that this series covers the period from April, 1963 to September, 1963.

Q. When we left off Captain we were examining your dispatch system and your leave system. I show you a photostatic document dated June 18th 1963 entitled the vacation leave season of 1963. Do you know who prepared this document?

A. I did.

Q. You did, and would you briefly state what is its purpose?

A. Its purpose is to allot to each of the pilots, Canadian and U.S. pilots a vacation leave of seven days during the months of July and August 1963; to publish for their information the days that they would have off duty.

MR. JACQUES: Now my lord I would like to file this document as Exhibit 834.

---EXHIBIT NO. 834: Photostatic document dated June 18th, 1963, vacation leave season of 1963.

Q. I see it covers both Canadian and American pilots. How do you proceed to allot the leave period to the American pilots?

English

A. This is done by a meeting in my office attended by the President of the Canadian Pilots' Association and the President of the U.S. Pilots' Association at which time lots are drawn.

Q. How do you mean lots are drawn?

A. We take the periods, the names of the pilots and write them on pieces of paper and draw them from the hat.

Q. And that is all there is to it?

A. Yes.

Q. Has there been any complaint as regards the method?

A. Not to me.

Q. Now sir I show you another document entitled order of pilots off-duty 21 to 20 pilots. Was that prepared in your office?

A. This was prepared in my office.

Q. I would like to file this document as Exhibit 835.

---EXHIBIT NO. 835: Order of pilots off-duty 21 to 20 pilots.

Q. I believe you explained what this document is but in order or for the sake of continuity would you briefly resume?

A. Yes. We have 21 Canadian pilots in the District and according to the joint agreement between the United States and Canada we are only allowed to carry 20 Canadian pilots on the tour de role at one

English
time. Therefore, one has to be off-duty at all times. This is a drawing by lot for the periods off-duty for the one pilot to be off in order to give 20 pilots on the list.

Q. Has there been any criticism of this system either by the Canadians or the Americans?

A. Not to me.

Q. Now sir I show you two forms entitled daily statement of pilots dispatched. Do they originate from your office?

A. Yes. This form here the Kingston Pilotage District daily statement of pilotage dispatched to Cape Vincent and intermediate ports, this is prepared daily in the Cornwall Pilotage Office.

MR.JACQUES: I would like to file this document as Exhibit 836.

---EXHIBIT NO. 836: Daily statement of pilots dispatched to Cape Vincent and intermediate points.

Q. And you say it is prepared daily in your office?

A. In the Cornwall Dispatch Office.

Q. And would you tell the Commission the information is contains?

A. Yes. It contains the names of pilots who have been dispatched at Cornwall. The time ordered. That is to say the time that they are ordered to be on board their vessel and the name of the ship. It also

English

contains the names of any pilots who are on leave or vacation and also the names of any pilots who transfer themselves voluntarily to Cape Vincent.

Q. From where?

A. From Cornwall and it would, although this example does not show it, give the names of any pilots who are ordered to go from Cornwall to Cape Vincent to bring the number of pilots up to strength at that station. It also gives a numerical summary of the pilots on the tour de role and the names, if any, of pilots who are not available.

Q. And what is the purpose of this daily sheet?

A. This is to make a record available for use in the Supervisor's office and a copy of this is also sent to the Massena office of the U.S. Pilots' Association and also to the Cape Vincent dispatch office so that everyone has a complete record of daily dispatches.

Q. And it includes both the American and Canadian pilots?

A. Yes.

Q. Do you get a similar form prepared by your American counterpart?

A. This is a copy of the counterpart prepared at Cape Vincent and handled in the same way.

Q. I would like to file this document my lord as Exhibit 837.

English

---EXHIBIT NO. 837: Daily statement of pilots dispatched to Cornwall.

Q. I believe at my request you prepared a resumé of daily activities of one Canadian pilot and also of one American pilot. Would you look at these two documents and tell me whether they were prepared by you?

A. They were prepared under my direction by the dispatcher in the Cornwall Pilotage Office for the fall of 1961 for the general information of the local office and also Ottawa.

Q. Would you have something similar for more recent years, say 1962 or perhaps 1963 to date?

A. No. Nothing has been done of a similar nature since this resumé was prepared.

Q. What was the purpose of preparing this resumé?

A. Primarily for my own information to see what the activities of pilots were; how long they were between trips and how long they might be at home.

Q. Now I would like to file these two documents in a bundle as Exhibit 838.

---EXHIBIT NO. 838: Resumé of daily activities of one Canadian Pilot and one American Pilot for District No. 1.

MR. LALONDE: Does it include everything?

MR. JACQUES: We are going to examine it in detail.

English

Q. I see it starts Canadian pilots start May 1st. Is there any particular reason why it was not started before May 1st?

A. The International arrangements commenced on May 1st 1961. The month of April was under the old regime of Canadian pilotage.

Q. And I see for the first nine days the pilot was on holiday.

A. Well we had 24 Canadian pilots performing the duties of 20 pilots and four were off-duty at one time and he evidently was one of those who was drawn for the first period off-duty.

Q. And I see the mention May 10th Kinston-Cornwall GARDENIA 11:44. Would you explain that please?

A. On May 10th he was dispatched from Kingston to Cornwall on the vessel GARDENIA and the hours of the voyage were 11 hours and 44 minutes.

Q. From what moment to what moment? From the time boarding or time left ship or time arrived. Do you recall that?

A. I cannot recall that now.

Q. I see a mention May 21st ordered to K.P.O.

A. He was at Cornwall and he was ordered to go to Kingston Pilotage Office.

Q. So it gives the number of hours approximately spent on board the vessel but not times of departure and arrival?

English

A. That is correct.

Q. Would the information be of the same type for the American pilot?

A. Yes.

MR. LALONDE: I have no objection to the production of this document my lord except that it is a little bit out of date, 1961 and there were four extra men who were not performing duties.

Q. I show you a document entitled number of trips with District pilots by exempt Canadian and U.S. lake vessels arranged by companies for the years 1961, 1962 and 1963 to date, that is June 24th 1963. Was that prepared in your office?

A. Yes.

Q. And who prepared it? Did you prepare it yourself?

A. I did this personally.

Q. And where did you obtain the information which it contains?

A. From the invoices made by the Cornwall Pilotage Office and from the daily dispatch record.

Q. Now I see under Canadian companies Canada Cement Transportation Co. 1961, ten. What does that mean? Ten what?

A. Ten trips, ten one-way passages in the District.

Q. Ten transits?

A. Yes.

Q. If it is a partial transit would it be show

English
as one transit also?

A. I believe so. I did not make any breakdown of partial transits. In most of these cases these would be complete transits.

Q. And these would be more exactly card counts?

A. Yes.

Q. I would like to file this document as Exhibit 839.

---EXHIBIT NO. 839: Number of trips with District pilots by exempt Canadian and U.S. lake vessels arranged by companies for the years 1961 to 24th of June, 1963.

Q. Now sir you had supplied me with Power of Attorney which I show you. Has this been changed recently?

A. Yes. I have received within the last few days a new setup -- complete set of Power of Attorneys for the pilots reflecting the change of name to the Corporation of the Upper St. Lawrence River Pilots.

Q. Would that be the only change from the old form?

A. The wording is different.

Q. Before discussing this document which I have handed out, I would like to quote it as Exhibit 840. Was Exhibit 840 prepared in your office?

A. The portion headed Kingston Pilotage

English

Authority operating statement for the month of October and year to date was prepared in the Cornwall Pilotage Office.

Q. That is the second sheet?

A. The second sheet. The first one, the St. Lawrence Seaway Pilotage Association operating statement for the period October 31st 1963 was a copy received from Massena from the U.S. accountants.

---EXHIBIT NO. 840: Operating statements for the period month of October.

Q. Now turning to your District, I see you have a mention, the first mention is gross revenue Canadian pilots and U.S. pilots. Why is there a difference between the two? Why differentiate the two?

A. This is due to the method of accounting adopted in the District, for the sharing of the monies between Canadian and U.S. pilots.

Q. Would you explain that method?

A. For gross revenue we take in a given month the aggregate of all the Canadian pilots' invoices and the aggregate of all the U.S. pilots' invoices. These invoices, of course, will only be for trips which were dispatched from the Cornwall Pilotage Office. That is to say for westbound trips.

Q. Now let me interrupt you. When you pay money to the Americans, do you pay it in Canadian funds or in American funds?

A. In Canadian funds.

English

Q. When you send a bill to a ship, if she was piloted by an American pilot, do you request payment in American currency or Canadian currency?

A. When we send a bill for a Canadian pilot, we request payment in Canadian currency.

TT/RPS

English

A. When we send a bill of a U.S. pilot regardless of the nationality of the ship, we request payment in Canadian currency, that the normal tariff of the District is regarded as being expressed in Canadian dollars. A through trip would be charged as $200 for a Canadian pilot, and a through trip for a U.S. pilot would be charged as $200 U.S. That would be shown on the invoice with a rate of exchange of 7-1/2 per cent showing that the shipping companies should remit $216 in Canadian funds to us. Pardon me, that was 8 per cent.

Q. When you send money to the Americans you send $216 Canadian dollars?

A. Yes.

Q. What about when they send you money?

A. When who sends?

Q. When the Americans. Does it happen that they transfer funds to you?

A. Yes. They are received in U.S. dollars.

Q. Do they take into account the rate of exchange?

A. They operate in a similar manner when they invoice for a U.S. pilot. They will invoice for $200 U.S., and when they invoice for a Canadian pilot they will invoice for $185 U.S.

Q. Sir, I believe it was mentioned during the previous hearings that the Canadian station billed

English

for pilots dispatched from Cornwall, and the Americans billed for pilots dispatched from Cape Vincent?

A. That is correct.

MR. LALONDE: Just for the purpose of clarification, I think the witness stated that he was remitting to the United States $216 Canadian for that trip if I am not mistaken. They deduct Canadian expenses before remitting that. It isn't $216.

THE WITNESS: That is correct.

Q. From Exhibit 841 you have billed $23,916 for Canadian pilots in the month of October?

A. Yes.

Q. And $15,389 for U.S. pilots?

A. Yes.

Q. Would you explain the item Expenditures, Employees' Salaries and Benefits. Would you tell me what class of employee and whose employees?

A. Yes. All the figures under expenditure at this time are budget figures for the year worked off during the period of the statements, that is to say, over eight months.

Q. Who prepares these budget figures?

A. These are prepared in Ottawa for our use.

Just jumping ahead, at the end of the year, actuals are obtained and applied on a final statement.

Q. So every month you deduct one-eighth of the budgeted expenses, is that correct?

A. That is correct. Employees' salaries

English

and benefits, this is made up of the total estimated yearly salary and benefit for the supervising of pilots and for the accountant in the employ of the Cornwall Pilotage Office plus one-half the employees' salaries and benefits for the four dispatchers employed in the Cornwall Pilotage Office.

Q. Why half of those salaries only?

A. The other half of the salaries is applied against the Cornwall Pilotage District because these employees are dealing with District No. 1 pilots and Cornwall Pilotage District Pilots.

Q. Do you deal also with the Cornwall pilots?

A. Very little apart from the general conduct of the premises.

Q. Now, the next item is Rental Office Space and Equipment. Are you lodged in a Government building?

A. We are lodged in the Federal Building, commonly called the Post Office building, on the second floor for the time being. The Supervisor and Accountant share an office which is wholly charged for in this statement and charged for the pilots' dispatching office. Half of that charge is charged in this statement. The remainder being charged against the Cornwall Pilotage Office.

Q. Telephone, telegraph, teletype. Would you explain that, please?

A. Yes. These are the charges for the

English

telephone in the dispatcher's office, and the telephone in the Supervisor's office. The telephone in the Supervisor's office is applied wholly against this statement. One-half of the telephone charge of the dispatcher's office is applied against this statement and the other half against the Cornwall Pilotage District.

The telegraph is applied against this statement. Actually there are very little telegraph charges.

Q. For the Cornwall District or for both?

A. For both. The teletype -- this is a budgetary figure applied entirely against this statement.

Q. Is the teletype used in connection with the Cornwall pilots?

A. Yes.

Q. It is charged wholly to the Canadian pilots?

A. This figure that is used in the statement is an allocation by headquarters of a teletype charge which they allocate to the Kingston Pilotage Authority.

Q. Do you know yourself the actual cost of the teletype service?

A. No.

Q. This is a figure which was given you by Ottawa?

English

A. That is correct.

Q. Move down to Distribution of Operating Income.

A. After the gross revenue for the month is ascertained, the expenditures are deducted from it, which gives the net operating income. This net operating income is divided among the Canadian and U.S. pilots pro rata in a ratio of their share of the gross revenue, and the calculation is shown on the statement.

Q. After you have established these figures, to whom do you remit money, if you do?

A. As money is received during the course of the year, it is remitted to the Canadian Pilots' Association and the U.S. Pilots' Association in the same pro rata ratio as their share of net income.

Q. When do you pay them -- every month or every trip?

A. Twice a month. At the middle of the month and the end of the month. The funds available for distribution are distributed.

Q. Do you deduct from the monies you pay for pilots, the operating expense as established for the month?

A. That has been done in arriving at the net operating income.

Q. Every two weeks you establish your operating expenses and your operating income and pay to the pilots?

A. Every two weeks we distribute what

English

funds are available, coming in as a result of our invoicing. It pretty well marches in line with the invoicing. But, if there should be a number of accounts which are not paid promptly, that of course is reflected in the money available to distribute to the pilots.

Q. Every two weeks do you retain one-half of $2,512 for the salaries for employees?

A. Every two weeks we retain half of $3,579.

Q. Which are your operating expenses?

A. Yes.

Q. Would you move down to the next item, Statement of Account as of October 31st, 1963. Explain the various entries which are made.

A. The Canadian share and U.S. share and year to date should be self-explanatory.

EE2

The net operating income is the total as of October 31st of the net operating income due to the Canadian and the U.S. pilots with total of year to date.

Q. Is that for your billing?

A. This is exclusively for the operation for the Cornwall Pilotage Office.

The next line is, less taxis paid -- this is the sum of money paid bi-monthly as a first charge against the revenues to the Veterans Taxi Company in Cornwall for the transportation of Canadian pilots to and from Snell Lock.

Q. Who makes the arrangements for this transportation?

English

A. This arrangement has been made by the Department of Transport with a formal contract between the Crown and the Veterans Taxi.

Q. Do you have that contract with you?

A. No.

Q. The next mention is, less payments to October 31st, 1963. What does that represent?

A. This represents the payments made in Canadian dollars to the Canadian Pilots' Association and the U.S. Pilots' Association.

Q. The Canadian Association will be paid $104,000 and the U.S. $62,000?

A. They would have received cheques on payment on account to that amount, and in addition to that the Canadians would have had $4,922.22 paid to the taxi company on their behalf.

Q. What about the American pilots don't they use that taxi service also?

A. No. They make their own arrangements to get from the United States point to Snell Lock which is also in the United States.

This reflects itself in the balance owing to the Associations. Underneath that is a summary of the accounts, the bank balance plus the accounts receivable or accounts unpaid at that time, less the accounts payable which is the amount owing to the Receiver General. It gives a balance owing, and the two balances are in agreement.

Q. Do you prepare a similar document every

English

month during the operation of your District?

A. Yes.

Q. Do you hand over this document to the pilots themselves?

A. The distribution of this document is as follows. Two copies to Ottawa. One copy to the U.S. Administration in Washington. One copy to Mr. Saucier. One copy to Messrs. Leary and Dox.

Q. Who are they?

A. They are the U.S. Pilots' Association accountants in Massena. One copy each to Captain Bissonnette and Captain McCorkell, Captain McCorkell being the President of the U.S. Pilots' Association. One copy to Cape Vincent to be posted on their notice board.

Q. Do you post a copy on your own notice board?

A. No.

Q. Why not?

A. I haven't been asked.

Q. The pilots never asked you to show them these accounts?

A. The pilots have come in and talked with me on occasion about these accounts and have been shown an account.

Q. Did you say whether these pilots who talked to you about these accounts were officers of the Pilots' Association?

A. Some have been officers and others have

English

been pilots who are not officers.

Q. Would you comment on the first page of Exhibit 840, the statement originating from the St. Lawrence Seaway Pilots' Association?

A. What comment do you wish?

Q. Would they proceed along similar lines to the best of your knowledge?

A. Yes. This format was copied from our statement. This operating statement is for the District pilots only.

Q. So your statement was not for District pilots?

A. Ours is also for the District pilots. However, to keep the record straight Messrs. Leary and Dox also prepare the staements and handle the accounts for the special light pilots.

Q. That would not show on Exhibit 840?

A. Nothing to do with this thing.

Q. This document mentioned pilot boat charges reimbursed. What is that?

A. This is, to the best of my knowledge, the charge made by the billing authority for a pilot boat used by District pilot in going to or from a vessel engaged on a trans-lake voyage and which is recoverable from the ship's agents. You will observe it is entered as gross revenue and reflected as expenditure.

Q. Pilots' subsistence and travel.

A. Those are pilots' expenses engaged on trans-lake trips.

English

Q. How come they appear in the statement? Would you have similar subsistence and travel entries in your books?

A. No, because we do not deal with lake trips. We just handle the cards from Cornwall to Cape Vincent. Cape Vincent, I might say, in these cards for dispatches from Cape Vincent to Cornwall and also District pilots, on this statement.

Q. The dispatching of all District pilots engaged in lake work is done from Cape Vincent by the Americans?

A. That is correct.

Q. And the Canadians? Or you have nothing to do with it?

A. That is correct. The expenses, subsistence and travel would be charged in gross revenue as recoverable expense and shown under expenditure as refund to the pilots.

The next item is dispatching.

Q. Under Expenditures.

A. Yes. $2,730.47 which I take it as being the month's share for the operation of the dispatching facility at Cape Vincent.

Q. Do you have any breakdown of these expenses?

A. No.

Q. Have you ever requested a breakdown of these expenses?

A. No.

English

Q. The next item is, billing, collection and accounting.

A. This would be the same charge by Leary and Dox for performing their services.

Q. Would you continue to explain the statement, please? Distribution of operating income.

A. After the gross revenue is obtained, the net income is obtained by subtracting expenditures. This net income is divided between Canadian and U.S. pilots pro rata in the ratio of their share of the gross revenue for this month.

Q. The number of trips they have done?

A. The money received for the trips they have done. The number of trips does not enter into this directly. The computation is performed in the same manner as in our office, of this year. The statement of account is prepared in the same manner. However, you will notice this difference, that the first line is the net operating income, Canadian share, U.S. share, and year to date. The next line is, less charter hire pilot boat, $12,628 being allocated against the Canadian share and $8,160 being allocated to the U.S. share for a total of $20,788.

Q. Would you explain that entry, please?

A. As I understand this, this is an actual charge made against the Canadian and U.S. Pilots Associations for the use of the pilot boat at Cape Vincent, that is the U.S. pilot boat, for embarking and disembarking from vessels when engaged in trips through

EE3

English

the District. It is arrived at by multiplying the number of trips the Canadians made by $9 when the Canadian pilots land or disembark at Alexandria Point, and $10 if he embarks or disembarks from Cape Vincent.

Q. What about the other expensese from Alexandria Point to Kingston -- who pays those?

A. The pilots themselves.

Q. Out of their own pocket?

A. Out of their own pocket, or by some other arrangement of which we have no knowledge.

MR. JACQUES: I have the Annual Operating Statements which you could deal with tomorrow morning if you wish.

THE CHAIRMAN: We will adjourn until tomorrow morning at ten o'clock.

---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M., TUESDAY, THE 10TH DAY OF DECEMBER, 1963.

* * * * *

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL

P.Q.

VOLUME No.: 90A

DATE: DEC 10 1963

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THE ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held at the Old Courthouse Building, Montreal, Quebec, on Tuesday, the 10th day of December, 1963.

C O M M I S S I O N

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL

Mr. Maurice Jacques

PRESENT

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. C Mason	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.

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/RPS English

---ON COMMENCING AT 10:00 A.M.

CAPTAIN JOHN ALAN EDWARDS, Re-Sworn

CONTINUATION OF DIRECT EXAMINATION BY MR. JACQUES:

Q. Captain Edwards when we adjourned last night, we had reached the examination of your annual financial statement. I show you a document entitled "operating statement from May 1st 1962 to December 31st 1962." Is that your annual statement for the navigation season of 1962?

A. Yes.

Q. Would you explain that statement under the item gross revenue? There is a mention prior August 1st and after August 1st. Why the difference?

A. Prior August 1st 1962 the distribution of the gross revenue and the net operating income between the U.S. and Canadian Pilots' Association was on the basis of days available by the pilots.

After August 1st the distribution was performed by the method in force at the present time. That is to say on the basis of the actual contribution in dollars to the gross revenue made by the Canadian and U.S. pilots' pool.

Q. Now would you explain to the Commission how that change came about?

A. The change came about on August 1st on instruction from headquarters as a result of a joint consultation by an agreement between the U.S. and

English

Canadian authorities.

Q. Did you take any part in this joint consultation?

A. No.

Q. Now under the heading "expenditures" would you give explanations please? Now are these actual figures or still budget figures?

A. No, these are the actual figures arrived at after the close of the navigation season. They are the result of the consultation of the records in our office for certain items and the receipt from Ottawa of exact figures for others. I can explain this in detail.

Q. Yes, please.

A. Subsistence and travel of the pilots for certain obligations in the District were $106.75. The employees' salaries and benefits for the actual figure compiled in Ottawa after the end of the year. The rental of office ---

Q. Let me stop you here. Would these salaries cover a 12-month period or just a navigation season?

A. No, they cover the 12-month period from January 1st 1962 to December 31st 1962.

Q. From the close of the navigation season to the opening in the following year are you still employed in pilotage?

A. Yes.

Q. You and your staff?

English

A. The accountant and myself are continuously employed throughout the year.

Q. During the off-season period what are your duties?

A. The preparation of this statement and the supply of any information requested from Ottawa. The supervision of the cdlection of the monies outstanding at that time and preparation for next season's operations.

Q. Are you employed in any field not connected with pilotage?

A. No.

Q. You are not?

A. No.

Q. Please continue.

A. The rental of the office space and equipment is calculated by myself on a rate supplied by the Department. The repairs to office equipment is taken directly from records kept in our office of expenditures of this nature. District administrative travel is dealt with in the same way, from records kept in the office. Telephone, the actual telephone expenses incurred and allotted to the District are taken from records kept in our office; same way with the telegraph, and the teletype which is included in this is a lump sum figure received from Ottawa. Postage and express is taken from the records kept in our office. Stationery and supplies is supplied from Ottawa so that the actual cost figure of expenditures

English

was $31,560.04 for the year as against a budget expense of $30,002.

Q. These figures, gross revenue, do they represent only the monies which your office has collected or the total amount of monies cdlected for the whole District?

A. This represents the total monies invoiced for by the Cornwall office.

Q. Now would you explain -- under the heading "recalculation of distribution of operating income" there is an item entitled adjustment.

A. Yes. The difference in the expenses allowed on the budget and the actual was approximately $1,500 and this had to be distributed against the U.S. and Canadian pilots' accounts to reduce the net operating income and their share thereof by that amount and this was calculated on the basis of the year's operation.

Q. I am sorry my lord I don't think this document has been filed as yet. I should like to file it as Exhibit No. 841.

---EXHIBIT NO. 841: Operating statement of the Kingston Pilotage Authority from May 1st 1962 to December 31st 1962.

Q. I see that this document also contains a statement of account as at February 5th 1963. Would you explain why this was entered in your annual statement?

A. It has been the practice in the month of December to produce a monthly statement using the

English

budgetary figures. This is followed later, at least early in the following year by an operating statement covering the previous year's transaction when the actual cost figures of expenditures are available and in every case, whenever one of these statements is made, the statement of account up to the date of the preparation of the statement is included as part of that statement so that all concerned have an up-to-date picture of the statement of account as of the latest date.

I might say that subsequent to this there would be one or more statements of account for this 1962 season operation supplied showing the gradual receipt and distribution of the monies still owed at that time.

Q. For the 1962 season?

A. Yes.

Q. Thank you. Now I should like to file as Exhibit 842 St. Lawrence Seaway Pilots' Association operating statement.

---EXHIBIT NO. 842: St. Lawrence Seaway Pilots Association operating statement for the month of April 15th 1962 to February 28th 1963.

Q. Tell me, is this an annual statement or a periodical one?

A. This is in the same order.

Q. Now did you prepare this document?

A. No.

English

Q. Who prepared it, to the best of your knowledge?

A. This document here, to the best of my knowledge, was prepared by Mr. J.R. Fitzgerald and his staff at Cape Vincent.

Q. Who is he?

A. He acted as the U.S. pilots' accountant and billing authority for the year 1962 and this statement would be prepared by him towards the end of his period in that capacity because early in the spring of 1963 the U.S. billing authority was changed from J.R. Fitzgerald to Messrs. Leary and Dox at Massena.

Q. Now to the best of your knowledge do the American pilots have a fiscal year of some kind? Do they give you an operating statement for a whole season showing all the expenses and revenues for that season?

A. They exchange the same type of information as we prepare. This U.S. statement ---

Q. Exhibit No. 842.

A. Exhibit No. 842 matches our statement 841. We follow the same procedure.

Q. Now under the heading gross revenue would you explain the entries pilotage revenue district. That would be pilotage in the District?

A. Yes.

Q. And lake transit?

A. Lake transit would be pilotage by District pilots when engaged on the lakes. Detention would

English

be pilots detention chargeable in District trips. Boat charges reimbursed would be charges levied against ships for embarking and disembarking on lake voyages recovered from the ships and then paid out to the pilot boat operators.

Q. On lake voyages?

A. On lake voyages and similarly the subsistence and travelling would be the subsistence and travelling of District pilots engaged on lake voyages and reimbursed to the pilots.

Q. Now do you have access to the books of account kept by the Americans?

A. No.

Q. Can you in any way check their figures?

A. No.

Q. Can you in any way check their billing?

A. No.

Q. So you have to take for granted the figures they give you?

A. Yes.

Q. Now would you move down to expenditures please?

MR. LALONDE: My lord it might be worthwhile asking the witness at this point whether he is aware that these figures would be checked by the American Authorities in Washington.

THE WITNESS: I might add to that that when I say no, I amin no position to go and audit the books

English
or cull them but they have consulted our officefrequently about the day to day operations of this, and also the Department has conducted an audit of our books and the U.S. books.

MR. LALONDE: Is that the Department of Transport in Ottawa?

THE WITNESS: The Department of Transport in Ottawa.

MR. LALONDE: Has conducted an audit in Cape Vincent?

THE WITNESS: Yes, that is right.

Q. Now would you explain the entry "pilotage fees", please as an expenditure?

A. As an expenditure this pilotage fees is perhaps not correctly expressed. It is the fees charged by Mr. Fitzgerald at Cape Vincent for his services in rendering the dispatching function and accounting functions for the U.S. pilots. You might say this is the dispatching and accountancy fee paid in that year to Mr. Fitzgerald at Cape Vincent.

The subsistence and travel expense and pilot boat charges reimbursed appear as items of revenue and were disbursed to the pilots and to the pilot boat operators.

Q. These charges were collected in connection with the lake trips and paid over to the boatman or to the pilots as the case may be?

A. That is correct. Pilot boat charges absorbed were the fees charged by the pilot boat operators

English

for operating a pilot boat at Cape Vincent whose services were available to all pilots to embark on the District voyages or disembark on District voyages and they could do this under the payment of this fee.

Rent and insurance and others, I don't know the application of these figures. So that we come to a total expenditure reflecting itself in a net operating income and then a distribution of that net operating income to the U.S. and Canadian pilots with a statement of account as at February 28th 1963 for the operation of the 1962 season.

Q. Thank you. Now sir I show you an annual report for year 1962 for the Kingston Pilotage District. Did youprepare this report?

A. Yes.

Q. I would like to file this as Exhibit 843.

---EXHIBIT NO. 843: Kingston Pilotage District annual report.

Q. Now sir I show you a form. Would you tell me what this form is?

A. This is called a pilot's source form.

Q. Is it prepared by the Department of Transport?

A. This was prepared by the Department of Transport and the U.S. Pilotage Administration.

Q. Now I should like to file this form as Exhibit 844.

English

---EXHIBIT NO. 844: Pilot's source form.

Q. I see first that they are consecutively numbered.

A. Yes.

Q. And this form contains mention of time boarded, arrived, sailed and debarked. Would you tell the Commission what is considered time boarded?

A. Time boarded is the time that the pilot steps on board the vessel.

Q. And time arrived?

A. These arrived and sailed times are for intermediate spots. Let me illustrate: the pilot first boards a ship at Snell Lock. We will say he boardsat twelve o'clock and he sails at 12:15. He experiences high winds on his westward passage and he arrives at Weaver Shoal, decides to anchor until the wind moderates at nightfall. On the next line he will put down Weaver Shoal arrived at 14:15 and sailed at 18:00 hours.

Q. Now if he were to stop at Prescott?

A. If he stopped at Prescott, he stopped at Weaver Shoal and the next operation would be he stopped at Prescott for some reason or other. He would put Prescott arrived and sailed.

Q. And the time of arrival, would that be the time he enters the harbour or the time the ship is anchored or made fast?

A. If it is a case of arriving at Weaver

English

Shoal to anchor, it would be time that he anchored. If it was time that he arrived at Prescott, it would be time he made fast at the wharf. More often than not he would be going to Odgensburg. This is a place where a lot of cargo is handled on these intermediate trips, and then he would eventually arrive at Cape Vincent to disembark. That would be placed on the bottom line of this and you arrive and disembark at the same time, in normal circumstances so that one time only would be entered.

Q. I see at the top of the form mention "not exempt" with two squares. What is that?

A. This is to indicate whether the ship has on board an officer with a B certificate or not.

Q. Now would you explain the entries charges received which must be designated?

A. Yes, I will.

Q. Detention, undesignated expenses, cancellation and boat charges.

A. I might say that about three months ago we received a revised form which is virtually the same as this but will have two additions which I will indicate as you go along.

Q. Yes, please.

A. Charges designated, desig. is the abbreviation for designated waters that will be charged for pilotage in the District.

MR. LALONDE: My lord, I don't know whether the witness has an up-to-date pilot's source form. I have some here. I can provide them to help the Commission.

English

It is free.

A. That will be useful.

MR. JACQUES: My lord, I suggest we replace Exhibit 844 by this new form which has been supplied by the pilots.

THE CHAIRMAN: Yes, that is all right. Please do so.

THE WITNESS: Designated waters are charges for trips within the District. Undesignated waters are charges for voyages on the Lakes. Detention is for any detention charges incurred. Docking, undocking and movage are for dockings and undockings in Lake ports and movage in Lake ports. Cancellation and delay are for the charges incurred if a vessel cancels the order or is delayed on sailing. Boat charges are for reimbursable pilot boat expenses on Lake voyages.

Q. At Cape Vincent?

A. Cape Vincent and it could be at Port Weller too under certain circumstances. This form, of course, is used in all three Lake Districts, so this refers to Port Weller and the Soo. Expenses are reimbursable pilot expenses on Lake voyages. The U.S. exchange is for the use of Canadian billing authorities when billing for a U.S. pilot. The exchange is added to the Canadian fee. For example, a $200 fee in the designated waters under U.S. exchange you would put 8 per cent, carry across $16, bring a total of $216 Canadian funds to the bottom as the invoice cost tothe ship.

English

Similarly, in the U.S. billing office they will reflect the U.S. exchange, at least the exchange under Canadian exchange and if they have a $200 fee, they will subtract the exchange and bring it down as a total U.S. dollars.

If they have a fee of $200 U.S and use 7-1/2 per cent exchange fee, which they are doing, they will then carry across $15 under Canadian exchange for a total of $185, U.S. which is what they will bill for.

Q. Now I see on the bottom righthand corner the mention home District?

A. Abbreviaton of home District, the pilots could put No. 1 there.

Q. Could it be from another District?

A. We would not have other Districts' pilots cards.

Q. Is this form used in the three Lake Districts?

A. This is, but the pilots now turn their form into their own District office.

Q. I would like to come back to Exhibit 841 or the annual operating statement. I see no mention of taxi expenses in your expenditures for the year.

A. Well you will see it down under statement of account less boat and taxi paid.

Q. The statement as of February 5th 1963?

A. Yes, $30,870.90.

Q. That includes the boat and the taxi?

A. Yes.

English

Q. Now why is there not some of the taxi expense passed on to the Americans?

A. For one thing this is the instruction of accounting received by me and (2) the U.S. pilots are not using the taxi service which is provided from Snell to Cornwall and Cornwall to Snell.

Q. Now as regards boat charges made by the Americans on Canadian pilots, is that -- let me get the thing straight -- is that a fee for each trip or is that a share in the expenses?

/RPS

A. These require a bit of explanation. On the Canadian statement, if I recollect, the approximate charge of $6,000 was the charge for taxis in 1962 leaving approximately ---

Q. Where do you see that?

A. You don't see it. Less boat and taxis paid.

Q. On Exhibit 841, under statement of account as at February 5th, 1963?

A. Yes. You see $30,000 less boat and taxi paid. Of this $30,000 approximately $6,000 is paid for taxis and the other was boat to Captain Dougan at Alexandria Point for the use of his pilot boat for Canadian pilots to get on and off ships and take them on occasion to Kingston and return them from Kingston to Alexandria Point.

At the same time, in 1962 all the U.S. pilots were levied a charge of $32,000 for the use of their pilot boat at Cape Vincent whether in actual fact Canadian pilots did make use of it or not.

Q. The Canadian pilots pay for Dougan's boat used from Kingston to Wolfe Island, is that it?

A. Let me go back on this, and we have been talking about the year 1962. We are not talking about 1963.

Q. I am sorry. Would you tell us what the Canadian pilots pay now?

A. The Canadian pilots pay now -- we had the statement here yesterday.

English

THE CHAIRMAN: That would be the second page of Exhibit 840.

THE WITNESS: They are paying now strictly on use of facility a fee of $9 for disembarking or embarking from the wharf at Alexandria Point. For a vessel off Cape Vincent it is $10 if they embark or disembark from Cape Vincent.

Q. Who pays that to who?

A. In the first instance, the St. Lawrence Seaway Pilots' Association will take the money and pay it to their pilot boat corporation and they will reflect that as a deduction from the Canadian and, of course, the U.S. share as shown on their statement of account.

Q. When Canadian pilots use the boat services at Cape Vincent?

A. In 1963.

Q. The Corporation owning the boat charges the pilot $9?

A. Yes.

Q. And this $9 is paid by the St. Lawrence Seaway Pilots' Association out of the funds collected on behalf of Canadian pilots, is that it?

A. That is correct.

Q. Apart from that, what expenses are paid strictly by Canadian pilots?

A. At the Kingston end, if a Canadian pilot lands on Alexandria Point and goes over to Kingston or from Kingston to Alexandria Point, it is a private

English

matter which would be squared up by himself. I do not have anything to do with it and I do not know the arrangements of payment at this time.

In the Cornwall end of the District, his taxi fare to and from Snell Lock is paid for on his behalf by our office.

Q. As regards the taxi, would you file a photocopy of the latest contract as Exhibit 845?

A. Obtain and send to you?

Q. Yes, please.

A. Yes. That will be done.

---EXHIBIT NO. 845: Photocopy of latest contract between taxi company and Cornwall Pilotage District in connection with pilot transportation to and from Snell Lock.

Q. Do you have anything to do with the awarding of this contract?

A. No.

Q. Do you know if it is advertised in the newspaper and do you know if tenders are called?

A. Yes. It is advertised and tenders are called.

Q. Did you have nothing to do with the awarding of the contract?

A. No.

Q. As regards the boat charge of $9, was that charge estal lished after negotiations between

English

you and the American authorities?

A. I have not taken any active part in the negotiations of these charges at all.

Q. Do you know who did on behalf of the Canadian pilots?

A. As I understand it, in whole or in part negotiated between Canadian and U.S. pilots.

Q. Before we move on to the next document, on Wolfe Island whose taxi provides service -- is that Dougan's Taxi and Dougan's boat which carry the pilots from Kingston to Alexandria Point?

A. Yes.

Q. Do you know the terms of the agreement between Dougan and the pilots?

A. No.

Q. I show you a document entitled St. Lawrence Seaway Pilots' Association, Operating Statement Special Pilots, which I should like to file as Exhibit 846.

---EXHIBIT NO. 846: St. Lawrence Seaway Pilots' Association, Operating Statement Special Pilots.

Q. Would you tell us who prepared that document?

A. Prepared by Leary and Dox at Massena.

Q. What does it represent?

A. It represents the statement of account for the six special lake pilots.

English

Q. When you say these "six special pilots", who do you mean? Do you mean Lake Ontario pilots and applicant pilots registered for Lake Ontario as shown on Exhibit 831?

A. That is correct.

Q. What work do they do?

A. They pilot foreign vessels on Lake Ontario who require their services whether the vessel has on board a B certificate or not.

Q. The Lake Ontario pilots shown as pilots on strength at the Kingston Pilot Authority, are they Canadian or American?

A. Messrs. Bell and Dufour are Canadian.

Q. Have you had anything to do with the issuing of licences to these pilots?

A. I have given them their -- in the case of Messrs. Bell and Dufour, I have handed to them personally their pilot registration card for Lake Ontario on behalf of the Department in Ottawa.

Q. Do you know if they held any other pilot's licence apart from this registration card?

A. They are not a registered pilot in the Kingston Pilot District.

Q. They are strictly lake pilots?

A. To the best of my knowledge. Mr. Dufour, I believe, received his registration card directly from Ottawa. He joined the service this spring.

Q. Did you sit on the Examination Board,

English

if any examination were held, for these pilots?

A. No.

Q. Now, sir, the second page of Exhibit 831. Can you explain the entry, Applicant Pilots Registered for Lake Ontario. What does that mean?

A. As I understand it, these pilots registered for Lake Ontario, for U.S. pilots -- Strong, Youngs and Buckley are accepted by the U.S. authorities as being next for call forregistration as pilots in District No. 1 should any vacancies occur in the U.S. pilots in District No. 1.

Q. To come back to Exhibit 846. This statement was prepared by American pilots?

A. By Leary and Dox at Massena on behalf of the St. Lawrence Seaway Pilots' Association.

Q. Do you know if it represents the total revenue from lake pilotage for the period mentioned, of course?

A. I would say it does, yes.

Q. Have you had a chance of checking these figures?

A. I have nothing to do with the lake pilots' affairs. We get this copy of the statement in our office which we file and look at, but this is not in my province.

Q. That is the extent of your participation in this, is receiving this document?

A. Yes.

Q. Under the By-Laws for your District,

English

you have the direction of pilots and you may make orders with respect to conduct of pilots and the use by pilots of buildings and premises and attendance of pilots before yourself. Have you adopted any rules in respect to any of these items?

BB2

A. We have a few regulations governing the dispatching and conduct of pilots, and from time to time there are certain instructions issued to pilots as to conduct of vessels and other matters of importance.

Q. Do you know that a pilot was elected to the Pilots' Committee in accordance with Section 5 of your By-Law, Exhibit 432 ?

A. Each year I am informed by the Pilots' Association of their executive for the forthcoming year.

Q. That is the extent of your participation in that?

A. That is correct.

Q. When you have to deal with the pilots, do you deal through the Pilots' Committee?

A. Yes.

Q. Have you ever been requested to deal directly with individual pilots?

A. No. If a pilot come to talk with me about some matter which I feel should be within the province of their Pilots' Committee, he is informed to take the matter to the Pilots' Committee. There are many matters which can be dealt with quite simply by a conversation between pilot and supervisor.

English

Q. As regards the collection of pilotage fees, that is done in your office is it not?

A. Yes.

Q. Do you have many outstanding accounts?

A. Fortunately no.

Q. How many would you say you had outstanding for 1962 today?

A. For 1962 today is nil. For 1961 a matter of $98 out of roughly one-half a million dollars. We are doing very well this season so far. Collections are good. I might also say 80 per cent of the accounts are settled within 30 days of the bill being rendered.

Q. As regards entry into pilotage service on Section 11 of your By-Law, have you had occasion to hold examinations for new pilots?

A. I have had no occasion to hold an examination for new pilots in the District. I did sit on an Examination Board where some pilots were selected for service on Lake Ontario if they should be required, and these of course have not been required as yet.

Q. Would you tell us about the procedure for those examinations?

A. Which examinations, sir?

Q. On Lake Ontario for pilots?

A. The Examining Board held at Toronto with Captain Atkins from Ottawa, Captain Watson from Port Weller and myself being members of the Board, and the

English

candidates were examined before the Board and asked 30 questions prepared beforehand by the Board dealing with their duties and the aspects of pilotage on Lake Ontario plus any additional questions the Board felt necessary to ask.

Q. Who had requested that this Board be convened for examination?

A. The Department in Ottawa.

Q. When was that?

A. This is during the summer of 1963. There have been no examinations held for pilots in this District since the District was made a joint pilotage with the U.S. pilots.

Q. Are there any apprentices in your District?

A. No.

Q. As regards the conduct of pilots, have you ever had to enforce disciplinary measures against a pilot?

A. I would say yes.

Q. Would you tell us about that?

A. There is a case pending at the moment of a pilot refusing a direct order of the Supervisor.

Q. What was the order?

A. The order was to remain with the vessel and continue the pilotage until the vessel was, in the Supervisor's opinion, at the end of its voyage in the District.

Q. Did you give the order yourself?

English

A. Personally.

Q. Did you interview the pilot?

A. Subsequently.

Q. What reason did he give, if any, for his refusal to obey your order?

A. That he considered the voyage finished, and that he was fed-up with the vessel, didn't feel he should carry on, and he was tired, and he was going to leave the vessel and another pilot should be sent.

Q. Where had he boarded the vessel?

A. Cape Vincent.

Q. Would you recall the date and time?

A. I can't recall the date. It was in the latter part of November or middle of November.

THE CHAIRMAN: I understand the case is pending. So, I do not think we should go into too much detail. We would like to know where it stands now and what is going to be the next step as far as the disposal of the case is concerned.

THE WITNESS: The details have been supplied to the Department in Ottawa for their further action.

Q. Where did the pilot get off?

A. At Snell Lock.

Q. He boarded at Cape Vincent and got off at Snell Lock?

A. Yes.

Q. Wasn't that the whole District?

A. The vessel headed west at Snell Lock, and normally would have to head east to carry on with the

English
voyage.

Q. Would you explain that?

A. The vessel came down in high winds on Snell Lock on what should be the termination of the voyage. The vessel had an engine failure and they had to let go an anchor. That vessel swung and headed to the west. The pilot very skillfully was able to get the vessel alongside the upper wall at Snell Lock without damage. But, to complete the voyage the ship would have to be headed east and under the existing wind conditions it was decided by the Seaway Authority, rather than try to turn the vessel at berth she should steam up to Weaver Shoal and turn around and come back.

Q. How many miles is Weaver Shoal from Snell Lock?

A. About 25 miles.

Q. The return trip would be 50 miles?

A. No. In all.

Q. 25 miles return?

A. Yes.

Q. Did the ship actually steam up to Weaver Shoal and turn around and come to Snell Lock?

A. Yes.

Q. The pilot disembarked the first time or second time at Snell Lock?

A. The first time.

THE CHAIRMAN: You were obliged to furnish another pilot?

THE WITNESS: Yes.

English

Q. Apart from that particular and peculiar case, did you have any disciplinary cases?

A. I would say not, in the sense that you mean there havebeen pilots who have disputed the decision of them being removed from the list for 24 hours, in some circumstances for unavailability.

Q. Tell us more about that. You say a pilot is removed from the list because he is not available?

A. Yes.

Q. Would you explain that, please?

A. If the time comes to order a pilot, he is phoned at his residence so he may be given the order for the ship and if he is not there he is passed over. The next pilot on turn is ordered and he is removed from the tour de role for 24 hours.

Q. What is the consequence of that?

A. The consequence at present is that when he does come back after 24 hours he signs himself credited with one trip on the tour de role.

Q. Which he has not done?

A. Yes. And taken into consideration by some manner or means by his Association when they distribute money to pilots.

THE CHAIRMAN: That credit is debited?

THE WITNESS: That is correct.

Q. Do you have any comments to make as regards the use of liquor prior to boarding ship or on board ship?

English

Q. I have had no complaints nor do I have any knowledge of any offences under this portion of the By- Law.

Q. Section 22 of your By-Law provides for leave of absence.

A. Yes.

Q. Did you ever have occasion to grant leave of absence under Section 22?

A. No. I wouldn't say that the temporary B3 leaves, that do happen on occasion, would be those referred to in this. This would be something in the order of leave for a considerable number of days or weeks or months. No.

Q. You have occasion to grant sick leave. I think we have had comment on that.

A. There have been some pilots who have -- fortunately very few -- been ill for a short time.

Q. I believe you gave that evidence when you were in Montreal last on October 3rd?

A. Yes. There is no problem with illnesses or absences in this District.

Q. Have you any contract pilots in your District?

A. We do have two.

Q. Were the contracts filed with you under Section 24 of your By-Law?

A. Filed with who?

Q. With you.

A. They are not filed with me, which is the

English
answer to the question.

Q. You would not have the actual contracts or any documents relating to that?

A. I have no documents relating to their employment except the fact that they were issued with a Kingston District Pilotage licence in the spring of 1962 at the same time as permanent licences were issued to the other Canadian pilots -- the other pilots in the District.

Q. Do you know the company with which they are under contract?

A. The Canada Steamship Lines.

Q. Do you, as part of your duties, make sure that these men pibt only C.S.L. ships?

A. I have not had any dealings with their operations at all.

Q. Have youreceived complaints from pilots to the effect that unauthorized persons pilot ships in the District?

A. There have been complaints about several Americans from time to time.

Q. Complaints made to you?

A. Yes, made to me.

Q. What did you do about these complaints?

A. I requested instructions from head-quarters as to how to deal with it and referred these instances to them.

Q. Did yourrole come to an end then?

A. Actively speaking, yes.

English

Q. Now, sir, I believe there is another slight problem in your District. The Cornwall District ends at the border of Canada and the U.S., I believe?

A. That is correct.

Q. And yet a pilot can embark and disembark at Snell Lock?

A. Yes.

Q. Does that create any problem as far as you are concerned -- the Cornwall pilot coming down outside his District to Snell?

A. Not as far as I am concerned.

Q. Have you received any complaints about that?

A. Complaints of what nature and from whom?

Q. From the Cornwall pilots that they had to go outside their District to Snell Lock?

A. No.

Q. You have not received any?

A. No.

Q. Have you received complaints from pilots in either your own District or the Cornwall District, with respect to ships which are exempt in the Kingston District but compulsory in the Cornwall District?

A. Yes.

Q. Would you tell us about that, please?

A. Complaints have been received that certain vessels which are exempt in the Cornwall District and which are under compulsory pilotage in the Kingston

English

District have gone between Snell Lock and Montreal with no pilot. These principally are vessels owned in Canada under British registry such as Bermuda or Nassau and manned by Canadian crews who take a pilot in our District and then carry on without any pilot through the residue, as you might call it, of District No. 1.

English

Q. Now were these complaints in writing?

A. No.

Q. They were verbal?

A. Verbal, yes.

Q. What did you do? What action did you take in respect to it?

A. This whole matter was referred to headquarters for their instruction and in brief the action taken was that headquarters wrote to the steamship companies concerned stating that they should have a pilot on board in these waters and subsequent to that, why there was no change in the action by the Shipowners; the Shipowners concerned, in that they did not take any pilots and a record more or less complete is kept of all the transits of these vessels through the District without pilots.

Q. Now sir have you ever had any request to provide facilities for embarking and disembarking pilots at St. Regis?

A. No.

Q. Thank you sir.

CROSS-EXAMINATION BY MR. LALONDE:

Q. Captain Edwards you just referred to instances of lake ships registered in Nassau or Bermuda not taking pilots between Snell Lock and St. Regis. Would you tell me whether you have got a copy of the correspondence you referred to between the

English

Department and the Shipowners concerned?

A. I have in my office.

Q. Would you mind sending a copy of this correspondence to the counsel for the Commission?

MR. JACQUES: My lord, I might say at this point that in view of the role played by the local Supervisor, I thought it would be best if the investigation of this matter were kept until we are sitting in Ottawa when the officers of the Department would be available, together with the file.

MR. LALONDE: I have no objection to keeping this for Ottawa my lord.

THE CHAIRMAN: Yes, as long as we have the documents he is talking about. The clippings and was it a press release?

MR. JACQUES: No my lord. This is a file on this problem of British registered ships going through part of the District without a pilot whilst being subject to compulsory payment.

THE CHAIRMAN: If you are satisfied with that, all right.

MR. BRISSET: I believe my lord this correspondence has already been filed.

MR. LALONDE: I understand Mr. Brisset has filed some documents in that respect. I don't know whether this is the whole correspondence with all the ships concerned.

MR. JACQUES: It is not the whole file.

MR. BRISSET: Exhibit 544.

English

Q. Do you know whether any action is considered otherwise than keeping records of the correspondence in that respect?

A. I don't know.

Q. Now you referred to examinations which were held last summer, you said on instructions from Ottawa, examinations for trans-lake pilots. Under whose jurisdiction do these pilots come?

A. You are referring to the candidate's examination at that time?

Q. Yes?

A. That was under the directive of headquarters in Ottawa.

Q. I understand now those were actually employed on trans-lake work. You referred to Mr. Dufour and Captain Bell, I think, and somebody else?

A. Yes.

Q. Did they come under your authority as far as discipline is concerned, for instance?

A. No. As far as I am concerned they are handled at Cape Vincent and their attendance record is kept there and supplied by them to Washington and ourselves.

Q. In effect they are coming under the jurisdiction of this District 1 Authority. Whether it is Cape Vincent or yourself it is still part of District No. 1?

A. Yes.

Q. Now do you know whether District 1 pilots

English

were informed at any time that such an examination would be held?

A. I don't know.

Q. In effect, no pilots were sitting on the examinations which were held in Toronto?

A. No.

Q. Were you aware that there would have been an understanding between the pilots and the Department to the effect that the men who would be working on Lake Ontario would get a certain priority when it would come to employing new pilots in the District itself?

A. I would think that there would be, but I am not aware of any.

Q. You are not aware of anything in that respect?

A. That would be a logical step.

Q. Directly you are not aware?

A. No.

Q. Are you aware that trans-lake pilots are doing a certain number of trips, accompanying registered pilots in the District, in order to get some training?

A. No. My only awareness is the fact that some of them come down either as far as Iroquois as a matter of convenience, returning to their home or going up to join a vessel.

Q. I am showing you a clipping from a newspaper, I don't know which one. This is a clipping of an advertisement for ship pilots open waters of Lake Ontario. Would you tell me whether this is the

English
advertisement you referred to before?

A. Yes, I would say so. I have seen it in some paper or other.

Q. You have seen it?

A. Yes.

Q. May I file this as Exhibit 847.

---EXHIBIT NO. 847: Advertisement for ship pilots in open waters of Lake Ontario.

Q. Do you know in how many newspapers this advertisement was put?

A. I have no idea.

Q. How many candidates did you have for the examination?

A. Oh I would say in the order of ten were examined.

Q. How many candidates did you pass, or did you pass any?

A. Four.

Q. And what did you do with these names ? Were they sent to Ottawa or what?

A. Well the record of the examinations and the rating of the candidates was all retained in Ottawa.

Q. Would you have the names of the four who have passed?

A. I cannot recollect them.

Q. Was it the only examination which was held? Was there any examination held in Montreal in that

English

respect?

A. Not to my knowledge.

Q. Not to your knowledge?

A. No.

Q. Now in the documents which you produced before this Commission, you said this was put on the budgetary basis as far as expenses were concerned?

A. Yes.

Q. And that you had an adjustment, or you should have an adjustment at the end of the year?

A. Yes.

Q. Would you tell me whether, for 1962 for instance, this adjustment would appear on Exhibit 841, which is the operating statement for the whole year of 1962?

A. Yes.

Q. That would be the one?

A. That was the budget figure.

Q. You had a budget figure of $30,000 and you had an actual cost of $31,000?

A. Yes.

Q. And then you just make the proper adjustment at the end?

A. That is correct. There would have been another estimated statement using that figure of $30,000 as the expenditures for the year.

Q. I notice that your salary and the accountant's salary is covered completely by the Kingston pilots?

English

A. That is correct.

Q. Is the accountant doing any work, as far as billing is concerned, or any work at all for the Cornwall pilots?

A. Nothing.

Q. As far as you are concerned I presume or I understand you are responsible for supervising the dispatching of the Cornwall pilots. Isn't that the case?

A. Yes, I would say that if a Cornwall pilot -- when the Cornwall pilots are in our office the dispatcher dispatches them and our own pilots and if there is any immediate crisis, why it is referred to me but normally any disputes of that nature are referred to either their own Committee or to Mr. Melanson at the other end of the teletype.

Q. If there is any disciplinary problem is it going to be referred to Mr. Melanson?

A. Yes.

Q. In any problems concerning the taxi, for instance, is it going to be referred to Mr. Melanson also if it affects the Cornwall pilots or are you going to deal with it?

A. I would deal with it.

Q. You mentioned that the whole rental was charged to the Kingston District also.

A. No, the rental of the Supervisor's office, in which the accountant also works, that whole rental is charged to Kingston but half of the dispatching

English

rental is charged to Cornwall and half to Kingston.

Q. Sorry, I misunderstood you. Now the teletypes, are they not used also by Cornwall pilots?

A. Yes.

Q. Did you say that they were totally charged to the Kingston pilots?

A. This is not conducive to a short answer. If you would bear with me ---

Q. Yes.

A. The Cornwall office is on a circuit which originates in Montreal and comes to Cornwall and goes from there to Iroquois Lock, Cardinal radio station, Kingston radio station, Cape Vincent, New York, carries on to Toronto, Hamilton, Port Weller, Port Colbourne and Port Huron and originating in Montreal, at Montreal signal service and dispatching office. Now the whole system is under the charge of the Canadian National Telegraph Company who present a bill for the whole service to the Department covering the operation from Montreal to Sarnia.

Now the Department have figured out what charge should be levied against the Kingston District. Now it is obvious that the link between Montreal and Cornwall, half is used by us and in Kingston District and half by the Cornwall District, and then everything between here and Cape Vincent is used by the Kingston District and then their link over to Port Weller, half is used by Port Weller and half by us and that is roughly

English

the way that the thing has been allocated.

Q. And half in Montreal?

C2 A. Half of the charge between Montreal and Cornwall will be taken care of by the Receiver General and the other half by the expenditure in District No. 1 and the charges are on a basis of so much for machines per month, so much per coil of wire and different loops; things like that.

Q. As far as the taxi service is concerned, did you say that it was paid half by the Cornwall pilots, half by the Kingston pilots or is it totally charged to Kingston pilots?

A. No, it is charged to Cornwall pilots or Kingston pilots on actual usage. Separate invoicing is maintained by the taxi company.

Q. So much per trip?

A. So much per trip. The Kingston pilots, taxi bills for Kingston pilots are paid directly from my office and taxi bills for Cornwall pilots are sent to Montreal, paid by the Receiver General and recovered from the steamship companies.

Q. Now I understand that this taxi bill is paid only by the Canadian pilots however of District No. 1?

A. That is correct.

Q. Do you know is there any reason why the Canadian pilots in District 1 would pay alone that bill for the taxi service taking them from the Snell Lock to the pilotage office, while at the other end, at

English

Cape Vincent, the pilot boat charge has been allocated to all Canadian and American pilots, whether they use it or not?

A. I see the force of your argument. That is all the comment I can make.

Q. Have you ever had any representations made by pilots in that respect?

A. I think probably I thought of this thing myself at times and wondered why. I cannot go beyond that.

Q. Have you ever raised it with the higher authorities in Ottawa?

A. One converses about these things. You can't go any further than that, in my position.

Q. Have you obtained any statements of policy in that respect?

A. No.

Q. Do you know whether this point was raised with the American authorities?

A. I have no idea.

Q. Were you consulted on the establishment of this policy?

A. No.

Q. Since when have you been appointed as Supervisor in this District?

A. In April of 1961 immediately prior to the joint policy arrangements coming into force.

Q. Were you consulted at any time concerning the procedural arrangements or any aspects related

English

to the operation at the time between the Canadian and American pilots?

A. You are referring to this period in 1961?

Q. Yes?

A. No.

Q. If we come in closer, are you consulted either once ina while or at regular intervals about general operation and policy in your District between Canadian and American pilots?

A. I would say once in a while on minor matters.

Q. What would you call minor matters?

A. Oh certain things in connection with the accounting, but not major direction of policy.

Q. Have you ever been called to attend a meeting, let us say, between the authorities in Ottawa and the authorities in Washington which would be held either in Ottawa or in Washington?

A. Now.

Q. Were you consulted on the arrangements for pilot boat service at Cape Vincent by the American pilots?

A. By the American pilots?

Q. Yes?

A. Yes.

Q. When was that?

A. In the spring of 1962.

Q. That is last year, last spring?

English

A. Yes.

Q. What were the problems at the time?

A. Well ---

THE CHAIRMAN: That is the spring two years ago, not this year?

Q. Last year.

A. Well the problem at the time was the establishment of the Cape Vincent Pilotage Association, at least the Cape Vincent Pilotage Station and the assumption by the U.S. pilots of the dispatching and accounting and related service at that point.

Q. How was it working in 1961?

A. In 1961 all the accounting was done at Cornwall. The dispatching was performed at Cornwall and Kingston pilot offices and the Canadian pilots were using Captain Dogan's pilot boat-cum-taxi service and the U.S. pilot boats were making their own personal arrangements for pilots.

Q. In 1961 the American pilots had their own arrangements for pilot boats whether with Mr. Dogan or on their own?

A. Yes.

Q. And the Canadian pilots had also their own arrangements?

A. Yes.

Q. Well what happened in 1962?

A. In 1962, shortly before the opening of navigation a decision was reached that the U.S. pilots would operate their dispatching commencing with

English

the opening of navigation and the Kingston Pilotage Office was forthwith closed.

Q. That is according to the International agreement?

A. According to the International agreement and the question of pilot boat service was introduced into the arrangement. Prior to the actual opening of navigation, attempts were made by the different parties to get some sort of arrangement whereby Captain Dogan would retain the pilot boat function. It was impossible to make any arrangements to retain his service and the eventual result of all this was that immediately prior to the opening of navigation, the U.S. pilots informed me that their boat was going to be the official pilot boat at the station and that it was to be used by all pilots. That all pilots would pay for it and that if anyone did not want to use it, they would still have to pay for it regardless, and there the matter rested.

Q. I understand, looking at the operating statement for 1962, that there was a flat charge of $32,000 for that purpose. Is that the case?

A. That is the case. You would have more knowledge than I of the subsequent re-adjustment. Eventually, by your good offices and others, the pilot boat question was temporarily, one might say, resolved.

Q. Now do you know whether this year, I think you said that it was charged on a per trip basis or per use basis?

English

A. That is correct.

Q. Looking at the statement up to now from the American Pilots' Association, it seems they are still computing this on a $32,000 basis. Is this on a purely budgetary basis for this year?

A. May I see the document in question?

Q. Yes, I refer you to Exhibit 843. Will you tell me where pilot boat charges appear?

A. The figure of $12,628 is supposed to be the actual incurred charge at the rate stated previously forthe Canadians for the use of that pilot boat up to the end of October and similarly with that.

Q. So it is not as I stated then a $32,000 budget for this year?

A. No.

Q. Do you know whether this arrangement is working reasonably well at the present time or do you have any complaints about it?

A. There have been certain things which have had to be adjusted with the operation concerning the availability of the boat and its manning. Apart from that, why it has worked well.

Q. Now as far as the billing is concerned, I understand that you are now charging on the basis of Canadian or American currency according to whether or not a pilot is a Canadian or an American pilot?

A. Yes.

Q. Now when was this policy put into effect?

English

A. That was at the commencement of this year.

Q. I notice that the agreement between Canada and the United States, that is the memorandum of arrangements between the Secretary of Commerce for the United States of America and the Minister of Transport of Canada respecting pilotage on the Great Lakes from the date of May --- well signed by Canada on May 1st, 1961, Exhibit 433 states at Section 3, paragraph H:

"Accounting services for all pilotage "services performed shall be rendered by "the pilotage pool operating dispatching "facility. Billing and collection shall be "on the basis of the currency of the "nationality of the pool."

T/RPS

English

MR. JACQUES: Sorry, this was amended April 29th, 1963.

Q. My question was as to when exactly it was amended -- April 29th, 1963?

A. April 29th, 1963, yes.

THE CHAIRMAN: We might adjourn now because Mr. Edwards has been on the stand for an hour and a half now. We will adjourn for a few minutes.

---A SHORT RECESS.

---FOLLOWING THE SHORT RECESS:

CONTINUATION OF CROSS-EXAMINATION BY MR. LALONDE:

Q. I notice that on Exhibit 844, Captain, there is no mention of time ordered. Is there any reason, to your knowledge, for this exclusion while it appears on other pilots' source forms for the St. Lawrence?

A. I don't know any reason for its exclusion. It was recommended by our office when the form was under revision this summer.

Q. It was recommended to whom -- to Ottawa?

A. I am not sure of this. It was either to Ottawa or Washington. I just forget.

Q. Did you get these forms from Ottawa or Washington?

A. These forms are printed in District

English

No. 2 by the Lake Pilots U.S. Association and provided to the other Districts. I might mention that we do mark on cards, where it is necessary, the ordered time as taken from the records.

Q. I would have two questions. Why did you recommend that this mention be inserted first of all, and secondly in which instances do you put it on the cards?

A. We would recommend it to be there so that a person billing the man could see whether the vessel had arrived on its E.T.A. Secondly, it is used to demonstrate the application of the detention of a vessel where the pilot is delayed in boarding the vessel due to non-arrival of the vessel on E.T.A.

Q. Did you have a detention charge in your District?

A. We had for that purpose.

THE CHAIRMAN: Do the Americans have the same charge also?

THE WITNESS: This is a universal charge.

THE CHAIRMAN: If it is not indicated on their source form, how do they go about charging it?

THE WITNESS: There is an interchange of daily dispatching sheets. The time ordered to be on board is indicated for each pilot on this sheet. When the pilot's card is received in the accounting office, it is checked off for its receipt against the pilot's name, and the time boarded is observed and if detention is applicable it is noted.

English

Q. I notice that you have a pretty good record of collecting money in your District. I also notice that in the regulations made by the United States for pilotage on the Great Lakes there is a clause in Section 401.440, in the Great Lakes Pilotage Administration, Department of Transport, Chapter 3, Title 46 Federal Register, January 31st, 1961. There is a clause which reads:

"The United States or Canadian-
"registered pilot performing pilotage
"services in accordance with the rates and
"charges set forth in this sub-part may
"require advance payment on such rates
"or charges or a suitable bond securing
"payment".

To your knowledge has this clause ever been in use?

A. No.

Q. Did you have a similar clause in your By-Laws?

A. No.

Q. If it were to be applied, it would be applied by the American end of the District, I suppose?

A. Yes, that is correct.

Q. You have no knowledge in that respect?

A. No.

Q. Do you have any authority to discipline other American pilots when dispatched from Cornwall?

English

A. While they are on the Cornwall list they have to adhere to the tour de role regulations in as far as they refer to disciplinary matters, and I would act in that matter.

Q. Let us take the instance, which you have mentioned before, which occurred in November. I understand it was a Canadian pilot involved. In this case, if it had been an American pilot would you have dealt with it yourself or would it have been referred to the American authorities?

A. You would state that if on this particular vessel it was a U.S. pilot?

Q. Yes.

A. He would have had the same order and instruction from me. And a report would then be made by me to Ottawa for furtherance to the United States authorities who would have the ultimate disposal on disciplinary action.

Q. You would channel your report to Ottawa to be send to Washington?

A. That is correct.

Q. That is the only thing you could do about it?

A. Yes.

FURTHER DIRECT EXAMINATION BY MR. JACQUES:

Q. Is that the standard procedure for disciplinary action against American pilots to be followed

English
in all cases?

A. Yes. So that anything of a major nature, that has to go outside the District.

Q. You refer the matter to Ottawa which takes it up with the American authorities?

A. Yes.

Q. You do not deal directly with the American authorities?

A. Not on a formal basis at any rate.

Q. What about discipline against Canadian pilots when dispatched from Cape Vincent?

A. I would expect it to be handled in the same manner.

Q. I understand you have not had any report in that respect yet?

A. That is correct.

Q. Do you know if this understanding somehow formalized any letter of intent between the United States and Canada in that respect or have you discussed this matter yourself with the Dispatching Authority in Cape Vincent?

A. There is in The Pilotage Act, I believe it is in The Pilotage Act or in the memorandum of arrangements -- it says if the Canadian authorities have knowledge of misdemeanour on the part of a U.S. pilot they will report the matter to the United States authorities and vice versa.

THE CHAIRMAN: While we are still on the subject, what about the minor disciplinary measures of

English

a credit when an American pilot is not at the place of call when you call on him. Do you credit him with the one turn the same as the Canadian one or do you report ---

THE WITNESS: That is done in the District automatically regardless of the nationality of the pilot, and it is reflected on the attendance report which goes to Ottawa and Washington.

FURTHER CROSS-EXAMINATION BY MR. LALONDE:

Q. In that respect, each end of the District has authority as far as the tour de role is concerned?

A. Yes.

Q. Have you heard of an incidence that dispatchers would refer such cases to Cape Vincent in order to ask Cape Vincent to try to reach the American pilot when the dispatcher could not reach him on the phone?

A. Could you be a little more explicit?

Q. The question is, suppose a dispatcher is trying to reach an American pilot on the phone. This dispatcher would call Cape Vincent and ask Cape Vincent to try to reach the pilot. Is that the procedure that is followed?

A. This would be an unusual circumstance, I believe. There is co-operation in this respect and there is no deliberate policy of trying to get a

English
pilot unavailable without reasonable endeavour to get in touch with him.

MR. JACQUES: As regards violation, I refer the Commission to Exhibit 433, Section 5 reporting on violation which reads as follows:

"The Secretary --- " -- meaning the Secretary of State for Commerce --
" --- will advise the Minister when it
"is brought to his notice that any Canadian
"registered pilot or pilot pool has violated
"any United States pilotage regulation in
"United States waters. The Minister will
"advise the Secretary when it is brought
"to his attention that any United States
"registered pilot or pilotage pool has
"violated any Canadian pilotage regulation
"in Canadian waters."

MR. LALONDE: Thank you.

Q. You have been aware in your District that the Government has dredged a channel north of Wolfe Island to connect Kingston with the main channel downbound?

A. Wolfe Island Cut on the east end of Wolfe Island.

Q. Have you been aware of authorizations being given to pilots to use this channel or prohibition given to pilots to use this particular channel?

A. Yes.

Q. What were the circumstances in which

English

this has occurred?

A. Dealing with the navigational aspect in the spring of 1962, Notices to Mariners were issued and subsequently chart patches were published showing the depth in the channel. At the same time I recollect publishing a notice to the pilots informing them of the depths of this channel.

As regards the prohibition of the use of this in the spring of 1962 with the opening of the office at Cape Vincent and the institution of the pilot boat service by U.S. pilots at that point, it was intimated that vessels should pass by that place to utilize this service to the full.

Q. It was intimated by whom?

A. By the U.S. pilots to myself and probably others, and the previous arrangement of some of the smaller deep-sea vessels proceeding through Kingston Harbour because the master had been there for years and gone on that route. So, it was not to be followed with all vessels which proceed via Cape Vincent.

In the early part of the summer of 1962 the pilots approached Ottawa in company with yourself and secured from the Department permission for Canadian vessels, at least vessels under pilotage by Canadian pilots who wished to go via Kingston Harbour on their way to the Lake could do so by going through Wolfe Island Cut. However, it was pointed out to yourself and the pilots that this was concurrent on the United States

English
authorities agreeing to this.

Q. Were you present at the time?

A. I wasn't present at the time, no.

Q. You go on.

A. And subsequent to this meeting I received a teletype message to this effect from Ottawa which information was published to the pilots and they did start going through Wolfe Island Cut with the odd vessel on the way to Lake Ontario. However, shortly thereafter the U.S. pilots or U.S. authorities decided this was not to be and they informed Ottawa of this who in turn issued instructions to me that all vessels going to and from the Port of Kingston were to proceed via Cape Vincent.

Q. This is the procedure which has been followed?

A. Yes.

Q. Since?

A. Yes.

Q. In 1961 when the pilotage office was in Kingston, who was doing the billing for all ships in transit?

A. The Cornwall Pilotage Office.

Q. Did you have, at the time, the same staff as you have now?

A. Yes.

Q. Could you manage to make it in the sense that I understand it was twice as much work as you might have at present for billing at least. Supposing

English

there has not been a tremendous increase in the number of ships passing through, in 1961 you were doing all the billings for all ships. Now you are doing the billing for onlythe upbound ships, is that the case?

A. Yes.

Q. You have the same personnel. My question is, in 1961 did you have any difficulty in keeping up with all that billing you had to make?

A. The job was done. However, I might point out that I am a fair stenographer and I did all the typing of bills and I did assist with certain aspects of the accounting, a procedure which I think would have to be taken over by part-time stenographic help.

Q. Was there any delay in sending bills?

A. No delay in sending or collection or payment of same.

Q. Could you look after your dispatching responsibilities at the same time?

A. I could.

Q. In your view, would you say it would be more economical and advantageous for all concerned if there was only one billing office for the District?

A. That would be a reasonable assumption.

MR. JACQUES: Do you think the Americans might agree to let the Canadians do all the billings?

THE WITNESS: The Americans express their own opinions on these matters.

Q. Has it been expressed to you by American pilots or American officials what opinions were

English

expressed?

A. About what?

Q. About this idea of having one collecting office?

A. There have been informal inquiries of feasibility both from the American pilots and the U.S. authorities. When I say U.S. pilots I mean an individual.

Q. You say an individual pilot?

A. Yes, as individuals.

Q. You had no approach by officers of the American Pilots' Association?

A. Not as such.

Q. Did you have any comment or approach from the Washington authorities or Washington officials on that respect?

A. On an informal basis.

Q. What was the purpose of this exchange -- what opinion did they express?

A. They inquired as to the feasibility -- no more, no less.

Q. Did you have any strong objection on the American side to such a project, such a proposal?

A. I wouldn't say the matter was discussed that thoroughly.

Q. At least not with you?

A. No.

Q. In 1961 some dispatching was made by Kingston also, wasn't it?

English

A. Yes.

Q. Was it all done through Cornwall?

A. No. The Kingston Pilotage Office located in the new Federal Building handled all dispatches east through the District from Kingston and also all the Lake dispatches.

Q. Have you heard of a suggestion to the effect that all dispatching could be made at one office only, with maybe the keeping of a telephone line or something of the sort at the other end of the District?

A. This has been proposed from time to time, yes.

Q. Where did these proposals come from?

A. From U.S. pilots.

Q. What is your view in that respect, about the feasibility of this and the advantage of that?

A. The job could be done providing certain things are carried out at the western end of the District.

Q. What would that require?

A. It would require augmentation of telephone services and it would require the use of pilot boat personnel for contacting ships and doing a certain amount of the follow-up of dispatching by telephone and informing us of the movement of ships. It would also require the addition of one or more men in the Cornwall Pilotage Office and also the co-operation of all pilots.

Q. Would you think it would be, first of

English
all, more efficient or would you lose efficiency in the service?

A. I don't think there would be any gain in the efficiency. But I do not think there would be any loss in the efficiency of the operation.

Q. Would you say it would be more economical?

A. It should be more economical.

Q. Was any such suggestion made by Canadian pilots to you?

A. I can't say. I know I have talked it over on an informal basis with different pilots. Who initiated this suggestion, I don't know. Considerable thought has been given to this both by myself and the dispatchers apart from consultation with pilots at times.

D2

Q. Have you raised this matter with Ottawa of dispatching and collecting?

A. Only in informal conversation.

Q. Have you had regular contacts with the officers of the Pilots' Corporation on the Kingston side?

A. Yes.

Q. How are your relations with them? Do you get any co-operation with them? Are the dealings between you and the Pilots' Corporation reasonable?

A. They are reasonable, yes.

Q. Do you have any difficulty or complaints to make?

English

A. No.

Q. Do you know whether your District, to your personal knowledge, would have officers of ships who would sign on to several ships simultaneously so as to be entitled to shift from one ship to another in order to pilot these vessels, in effect, in your District?

A. Yes.

Q. Do you know of particular cases?

A. Yes. The question of the Upper Lakes Shipping Company using extra personnel to move from ship to ship was officially drawn to the attention of all concerned. This is justified under The Canada Shipping Act, and that shipping company replied this was in fact what they were doing with certain surplus masters.

Q. Was there any correspondence between you and the Upper Lakes Shipping Company in that respect?

A. There was. There was a three-cornered exchange of correspondence. I corresponded with them in accordance with instructions of Ottawa.

Q. Do you have the names of surplus masters who were used?

A. I can't recollect if they were in the correspondence at this time.

Q. Would you mind sending a copy of this correspondence to the counsel for the Commission and then we might advise whether or not it should be

English

tabled as an Exhibit?

MR. JACQUES: Would you say that Ottawa has the whole correspondence of yours and that which you have received directly?

THE WITNESS: I couldn't say that.

MR. JACQUES: You better send your file.

Q. Was Upper Lakes Shipping Company the only company with which you had such dealings?

A. That is the only company, yes.

Q. How did you happen to hear about this procedure?

A. In conversation with one of the pilots. He told me that he heard on the radio-telephone the call for a pilot boat to meet a certain vessel off Clayton. I inquired about the circumstances as to what might be taking place and this was a new circumstance to me. I was informed of the general procedure of this company in certain instances of having one surplus master go from vessel to vessel in the District and I requested instruction from Ottawa as to what might take place.

Q. What did you get from Ottawa?

A. They instructed me to get in touch with the steamship company and explain the incident and ask them for an explanation which they did give and Ottawa said this was quite in order under the Canada Shipping Act that masters being signed on several ships.

/RPS English

Q. Where is Clayton in the District? Is it halfway in the District?

A. No, it's just east of Carlton Island, about 12 miles east of Cape Vincent; sometimes used as a disembarking place in heavy weather.

Q. Did you know of this practice before you heard about it from the pilot concerned?

A. No.

Q. Did you get any answer from Ottawa to the fact that they were aware of this practice?

A. I cannot recollect at this time.

Q. And no other company advised you officially that they were following any similar procedure?

A. No.

Q. Thank you.

MR. JACQUES: I have just one question. How much of a staff have you got at your office?

THE WITNESS: One accountant.

MR. JACQUES: Yourself and one accountant?

THE WITNESS: Yes.

MR. JACQUES: And any stenographer?

THE WITNESS: No.

MR. JACQUES: And how many dispatchers have you got?

THE WITNESS: Four.

MR. JACQUES: And they stand watches?

THE WITNESS: Yes.

MR. JACQUES: And that is the whole extent of

English

your staff?

THE WITNESS: That is correct.

MR. JACQUES: In 1961 when you did all the billing how much of a staff did you have?

THE WITNESS: Myself and an accountant.

MR. JACQUES: Thank you.

CROSS-EXAMINATION BY MR. BRISSET:

Q. Captain you filed as Exhibit 843 your annual report for 1962 season of operation. Did you prepare and submit a similar report for 1961?

A. Yes.

Q. Would you be good enough to file it as an annex to Exhibit 843?

A. 1961 financial statement.

Q. Annual report.

A. Yes. Oh just a moment now. Yes, I did prepare a similar report and will have that filed.

Q. Would you be good enough to provide us with additional copies so that we can have one ourselves?

A. Yes.

Q. So counsel could have it?

A. Right.

A. Now Captain to whom were these two reports for the years 1961 and 1962 submitted?

A. To Ottawa only.

Q. There was no copy of this report made

English

available to the Association of Pilots or to the Shipping Industry?

A. No.

Q. I just want to pursue further the line of questioning of my friend Mr. Lalonde on the subject of the duality of offices at Cape Vincent and at Cornwall. Would it be correct to state that at the moment you have in fact two offices dealing with administration of pilotage and invoicing?

A. In principle, yes.

Q. In other words, both offices are doing exactly the same type of work but in one case for downbound ships and in the other case for upbound ships?

A. Yes.

Q. Not to pursue this same thought, would you agree that if all services were incorporated into one central office at least you would have a more economical general administration?

A. I would agree on that, yes.

Q. You were referred by my friend to I think Regulation No. 5 of the Great Lakes Pilotage Regulation having to do with guarantees or advance payments in respect of a pilotage in your District. I am advised that this Regulation has been used or resorted to in District No. 3 but not in District No.2 or District No. 1. Are you able to confirm this?

A. I have no knowledge.

Q. You have no knowledge of that?

A. No.

English

Q. Captain you have explained to us the changes that have taken place in relation to the pilot boat service in Cape Vincent last year, or this year rather. On this topic can you give us a description of the pilot boat that is now in use at Cape Vincent. What type of boat is it? How many of a crew, and so forth?

A. It is a wartime-built wooden harbour craft, harbour launch built in Boston Massachusetts of wood; has a diesel engine in it, has an open cockpit aft, a small cabin and rather a long fo'c's'le head. It carries a crew of two.

Q. Now do you know what shifts there are in respect to the crew? Do they shift crews every eight hours or twelve hours?

A. I believe it is an eight-hour shift that they do.

Q. They would have three crews, one relieving the other after eight hours?

A. Yes.

Q. Now generally speaking from your experience is it correct to state that this boat is entirely satisfactory for the services that are presently rendered to ships, or has there been any complaints made against the boat itself, to your knowledge?

A. There was, as I say, a complaint made against the undermanning on several occasions, which was rectified. The boat, which has been in service has, in the main, been satisfactory although it was not

English

designed as a proper pilot boat to begin with. There are certain features of it which could be improved.

Q. Now you have explained to us that in heavy weather the pilot would be relieved at Clayton. Would it be by the same boat or how would that be done?

A. I am afraid that perhaps my remarks were not quite clear in relation to this Clayton operation. I know that in some instances the lake vessels have used the pilot boat at Clayton in heavy weather. In fact, we have had one pilot, to my recollection, disembark at Clayton in heavy weather but normally the pilot boat operation is conducted solely at Cape Vincent and there have been very few instances when it has not been possible to carry it out.

Q. And when it is not possible what happens to relieve the pilot at Cape Vincent?

A. Really I don't know of any instance on which it was not possible to do that except in the instance of ice, where the vessel might have had to wait for a while for a pilot to be cleared -- for a pilot boat to be cleared of ice.

Q. Captain, in examining your operating statement for the year ended December 1962, the statement is headed by these words:

"For the period April 15th 1962 to
"February 28th 1963".

I have been trying to figure out the exact cost to the users, whether they be the pilots or the ships, of the pilot boat during that season and I

English would like you to keep before you Exhibit 842 and Exhibit 841.

A. I haven't got a copy of that here. This is Exhibit 841 and 842?

Q. Yes. If you want to refer first to Exhibit 842, I find an entry of pilot boat charges absorbed $32,000?

A. Yes.

Q. So that would be taken into account?

A. Yes.

Q. And then I find another entry, pilot boat charges reimbursed $4,119?

A. Yes.

Q. That, of course, should be added to the $32,000?

A. Yes.

Q. Now referring to Exhibit 841 I see a charge as being the Canadians' share of the boat operation, including taxi of $30,870.90?

A. Yes.

Q. Deducting $6,000 roughly for the cost of the taxi we are left with a charge of $24,870.90. Is that $24,870.90 part of the $32,000 or is it in addition to the $32,000?

A. It is in addition.

Q. So we have, therefore, to add up $32,000, $4,119, $24,870.90 to determine what the boat service has cost during the year 1962?

A. As costed and as utilized, yes.

English

Q. Should we add to this another charge in respect to trans-lake services as you have it on Exhibit 846 for the year 1963, pilot boat charges reimbursed for the period ending October 31st 1963, $9,550?

A. I haven't got 846. I would say that a portion -- pilot charges reimbursed, it would be evident that that is correct. But that is part of an additional charge, yes.

Q. In other words, in 1962 one would expect that there would be a charge about comparable to that for the year 1963 in respect to pilot boat service in case of trans-lake pilot service?

A. Yes.

Q. Which would, in this case, bring the total cost of the pilot boat for the year 1962 to about $70,000?

A. You would say pilot boats sir.

Q. Pilot boats?

A. Yes, because the U.S. pilot boat in 1962 was charging $32,000 plus $4,119 plus what you may want to add for roughly lake boat trips and at the same time the Canadian pilots were employing, as a subsidiary service, not of necessity, Dugan's pilot boat and transportation service for an inclusive sum of approximately $24,000 which would include his boat, passage across Wolfe Island and across Kingston Harbour on occasion.

Q. Am I right then in understanding that

English

the charge of $30,000, appearing in your operating statement Exhibit 841 for the period May 1st 1962 to December 31st 1962 does not cover the service of the American pilot boat at Cape Vincent but solely Dogan boat?

A. That is correct.

THE CHAIRMAN: Boats and taxi.

THE WITNESS: And taxi, yes.

Q. Dividing $6,000 for taxi and $24,000 for boat.

MR. LALONDE: I am sorry, there is $6,000 for taxi in Cornwall, is that it?

THE WITNESS: Yes.

MR. LALONDE: And then there is, out of the $24,000 a certain amount for Dogan taxi in that $24,000.

Q. At the other end? At the west end?

A. Yes.

Q. In this sum of $30,870.90, are there any charges included with respect to the Port Weller pilot boat?

A. No. It does bring to mind there should be a correction also in my testimony, that this pilot boat charge reimbursed, as referred to in Exhibit 842, would reflect the charges reimbursed with respect to the use of the pilot boat at Port Weller. In addition to the pilot boat at -- the U.S. pilot boat at Cape Vincent when used on lake trips.

Q. So that my figure of $70,000 is now on the high side?

English

A. Is on the high side and this year, of course, the Canadian pilots are utilizing the pilot boat at Cape Vincent, the U.S. pilot boat so a certain portion of this $24,000 vanishes.

MR. JACQUES: My lord, it might help all parties if we were to ask Captain Edwards to prepare a statement showing (a) the number of trips made by Canadian pilots, the type of boat, specifying whether it is a Dogan boat or the U.S. boat, the Port Weller boat or whatever it may be, together with the amount charged to the pilots for the service and (b) the number of trips made by taxis, be it Dogan taxi or Veteran's taxi I believe doing the service at Cornwall, together with the amount charged to the pilots for last year at least.

THE CHAIRMAN: I understand in 1963 this does not apply any more, Dogan Taxi and Dogan boat are being paid by the pilots themselves.

MR. JACQUES: Exactly my lord and I come to this point that Captain Edwards could perhaps get together with the pilots and prepare a joint statement so that the Commission would know what it costs the Canadian pilots to get to and from their ships at either end of their District.

THE CHAIRMAN: I think the best thing to do, I think you should get together with the pilots' counsel and you too to see what kind of a statement could be made on that, and you may discuss it with Mr. Brisset also.

English

MR. JACQUES: Very well my lord.

Q. Captain, you have spoken of two contract pilots doing piloting in your District. Could you give us the names of these two pilots?

A. I know the surnames only, Desgroseillers.

Q. And the other one?

A. Also Desgroseillers. They are three or four brothers who are pilots. Two of them are contract pilots. One is a pilot in the Cornwall District and the other, I believe, is a retired pilot.

Q. You were asked, I think when they were granted their contract and licence, or licences but I did not hear the reply.

A. The reply was that they were given their permanent Kingston Pilotage District licence in the spring of 1962 which was the occasion of the issuing of permanent licences to all Kingston District pilots.

Q. Do these two pilots come at all under your jurisdiction?

A. No.

Q. As far as you are concerned they are in the same position as an ordinary member of the crew, an officer on board. Am I correct? You have no more jurisdiction over them than you would have over the master of a lake vessel transitting your District?

A. Yes, that is correct.

Q. You have told us that you submitted to the Pilotage Association copies of your operating

English

statements but you did not submit a copy of your annual report to the Association. Is there any reason why the annual report particularly was only submitted to Ottawa? Did you receive any specific instructions in this regard?

A. I received no specific instructions. I considered it was a report on the pilotage operation as a whole in the District reflecting the views and observations of the Supervisor of Pibts reporting to his superiors.

THE CHAIRMAN: And I understand that this report is a personal report that you make to Ottawa and it is not called for by any regulation?

THE WITNESS: That is correct.

Q. Pilot you have spoken of these vessels that are subject to compulsory pilotage in your District who are not obliged to pay the dues in the Lower District and still transit without pilots from Snell Lock to St. Regis, therefore within District No. 1 until they reach St. Regis. You have also stated that the masters of these ships were Canadians. Is it not a fact that they are also the ships, lake vessels similar to all the others plying the lakes?

A. Yes.

Q. And the only reason that they are under compulsion to use a pilot in your District is that the vessels fly the British flag instead of the Canadian or American flag?

A. Yes.

English

COMMISSIONER SMITH: My lord, I would like to ask the witness this simple little question: In connection with the annual report that has been discussed here, would that be published in the annual report of the Department of Transport?

THE WITNESS: Not as such. They might utilize some statistics from it.

COMMISSIONER SMITH: But the whole report in itself would not appear as presented by you to the Department?

THE WITNESS: Oh no, no.

Q. One more question Captain that I forgot to ask you about your operating statements. Am I correct in understanding that all the figures that appear in these statements are expressed in Canadian dollars?

A. No sir. All figures which appear in the operating statements headed Kingston Pilotage Authority are in Canadian dollars and operating statements that are headed St. Lawrence Seaway Pilotage Association are in U.S. dollars.

Q. In other words, statements emanating from your office are expressed in Canadian dollars, while all statements emanating from the U.S. side are expressed in American dollars?

A. That is correct.

Q. I would like you to refer to Exhibit 838 which is a resumé of the daily activities of two pilots, one a Canadian pilot and another an American

English

pilot for the year or season of 1961 and if you refer to the one dealing with the activities of an American pilot, you will notice that you have prepared a summary showing his workload every month for the whole season. Now looking at the other statement, part of that exhibit dealing with a Canadian pilot, we do not appear to have a similar summary and I was wondering whether it had been forgotten or whether you could prepare one for us?

A. This one summary, referring to the Canadian pilot, was the first effort at preparing a resumé and when it came to the question of preparing one for an U.S. pilot, which was primarily done because the U.S. pilots then were performing pilotage right throughout the year without any holidays, I decided to make a resumé by month and append it to it.

Q. It was not done in the case of the Canadian pilot?

A. No.

Q. Just a question of looking at the figures and making the required summary?

A. Yes.

MR. LALONDE: I object to the use of the expression "holidays" in this particular case. It was rather more forced unemployment in 1961.

THE WITNESS: Yes, I would agree with that, the time adjustment.

Q. In other words, in 1961 you had four extra pilots instead of two as you have today so

English

they had to have a longer leave of absence in 1961 to bring you down to the number 20?

A. Yes, there were 24 to do 20 ---

THE CHAIRMAN: Instead of one we have today.

Q. One? Was it two last year and one this year? I thought at one stage you had two extra?

A. I forget last year. That is taxing my memory at this time.

Q. That is all.

THE CHAIRMAN: Mr. Mason?

MR. MASON: No questions thank you.

THE CHAIRMAN: Mr. Richards?

MR. RICHARDS: No questions thank you.

THE CHAIRMAN: I have a few question here. The Canadian pilots do they do to the dispatching office at Cape Vincent, as far as you know, or do they always leave from Wolfe Island?

THE WITNESS: I believe that a few of the Canadian pilots have rented accommodation at Cape Vincent for their laying-over time and they would therefore embark and disembark at Cape Vincent wharf, but the majority of the pilots are still using the Canadian side.

TT/RPS English

THE CHAIRMAN: So the American vessel would just make one trip, to get them at Wolfe Island and put them aboard the ship?

THE WITNESS: Yes.

THE CHAIRMAN: And the same procedure in reverse, when they leave the ship?

THE WITNESS: Yes.

THE CHAIRMAN: In the other instance they would be obliged to take them from Wolfe Island to Cape Vincent and from Cape Vincent to the ship?

THE WITNESS: It would leave Cape Vincent and go over to the wharf on the Canadian side and pick up the pilot and put him on board, or take the pilot off the vessel and land him on the Canadian side and return to berth at Cape Vincent. That is normal procedure. The Canadian pilot decided he would land at Cape Vincent. Naturally the boat would just operate between the vessel and Cape Vincent.

THE CHAIRMAN: There is no difficulty with regard to immigration and customs?

THE WITNESS: No. Resident officers and also the U.S. law requires that all pilots sign a pilot register which fulfils most of the functions of the customs and immigration at that point.

THE CHAIRMAN: You said in regard to figures submitted by the American Association that you did not have yourself any control nor did the pilot have any control over them to get information. Do you know whether the reverse is true, whether the American pilots would

English

come to you and ask for some information; and if so what is your attitude to that?

THE WITNESS: My attitude would be to supply information within reason, even to the extent of going over any of their accounts with them. But, my answer would be construed in the sense that I do not have any official status to go and formally go through the books on the U.S. side and I would deny the same thing to U.S. pilots if it were put to me in that manner.

THE CHAIRMAN: In other words, would you treat them in the same way as if they were Canadian pilots?

THE WITNESS: Yes.

THE CHAIRMAN: Exactly the same way?

THE WITNESS: Yes.

THE CHAIRMAN: You would give them the same information whether he is a Canadian or an American?

THE WITNESS: That is correct.

THE CHAIRMAN: Do you know whether this is the same procedure at Cape Vincent as far as you know?

THE WITNESS: As far as I know I believe that that would be the same. This would be at Massena where the boats were kept.

THE CHAIRMAN: When we were on Exhibit 840, that was the monthly statement for both the Canadian side and American side, you spoke of pro rata there. Is that pro rata by number of pilots or by trips?

THE WITNESS: Pro rata in ratio of the earnings

English

of gross revenue of Canadian pilots as a whole and U.S. pilots as a whole for that given period.

COMMISSIONER RENWICK: In reverting to the pilot boat at Cape Vincent, I have some recollection when we visited Cape Vincent that we learned there was a Corporation of pilots there as well as an Association. I gained the impression that the Corporation did own the boat. I do not think anything has appeared in evidence to substantiate or to dispell that conviction I had when we left Cape Vincent. I am wondering if you have any knowledge of it?

THE WITNESS: As far as I know, the pilot boat was owned by a U.S. pilot prior to the inception of this operation. When this pilot boat operation commenced last spring, it was sold to a Corporation of U.S. pilots. There are 12 registered U.S. pilots in the District, but the Corporation does not consist of all those pilots.

COMMISSIONER RENWICK: Thank you. That answers my question.

THE CHAIRMAN: In other words it is a private organization?

THE WITNESS: Yes.

MR. LALONDE: Do you have a copy of those contracts or agreements on the United States side?

THE WITNESS: No, I haven't.

MR. LALONDE: My lord, if it may be useful, I have made typewritten copies which were provided to me some time ago. If the Commission wants to have

English

them, I could produce those under reserve. They are not official copies but were taken from the official text and I have no reason to believe that they would not be correct.

THE CHAIRMAN: Under this reservation, I think it would be helpful to have them, and take the necessary steps to have them verified.

MR. JACQUES: I was going to suggest we peruse them first.

MR. LALONDE: Instead of producing them, I can leave them with counsel for the Commission. If he decides they are useful, he can produce them.

COMMISSIONER SMITH: I would like to ask the witness one question.

Captain, have you left anything out of your testimony that as a suggestion, in your opinion, would improve the dual operation in the District?

THE WITNESS: I would say personally that the fact that I am Supervisor of the District by law only as far as the Canadians are concerned, whereas in fact I am 75 per cent Supervisor as far as all pilots are concerned is a matter which does lessen the efficiency of the operation; and also the fact that if my position were extended in scope to cover all the pilots that I would be in a much better position to co-ordinate and also to liaise between the authorities and pilots in matters connected with pilotage.

COMMISSIONER SMITH: That might be a difficult problem to solve in its International aspect.

English

THE WITNESS: I imagine that would be. That is my only comment that I feel.

COMMISSIONER SMITH: Are there any other suggestions that come to mind?

THE WITNESS: It might be decided by the Department that Local Supervisors might be consulted or informed of certain matters of policy on a fuller basis than is done now or they might consult and he might be of the opinion that certain matters in the formative stage should not be the concern of Local Supervisors and they rest with that.

COMMISSIONER SMITH: Any others?

THE WITNESS: No, I wouldn't have any other comment.

THE CHAIRMAN: What about the co-ordination on the disciplinary angle? Do you think it is a little cumbersome to go through that, to inform Ottawa and Washington and come down the line again?

THE WITNESS: I do not think so bearing in mind all the factors that are involved.

THE CHAIRMAN: What about if you find at Cornwall that one American pilot would not be in a fit condition to go aboard -- what could you do?

THE WITNESS: This is at Cape Vincent.

THE CHAIRMAN: I mean at the east end of your District?

THE WITNESS: If this were found, he would be replaced by another pilot and I would hold him off the list and report it by the quickest means possible to

English

the authorities to deal with.

THE CHAIRMAN: You keep him off the list?

THE WITNESS: Yes, in that instance.

MR. LALONDE: I am informed it is a few minutes past one and Mr.Brisset has an appointment.

THE CHAIRMAN: We will have the usual luncheon adjournment. Adjourned until 2:30.

---LUNCHEON ADJOURNMENT.

* * * * *

/RPS

English

---UPON RESUMING AT 2:30 P.M.

CROSS-EXAMINATION BY MR. LALONDE (CONTINUED):

Q. Captain Edwards, did you attend certain meetings with regard to the settlement of the pilot boat problem in the spring of 1962?

A. I attended some meetings with the Canadian and U.S. pilots, yes; and others.

Q. Were these meetings conclusive?

A. They were conclusive in that the end result was that the U.S. pilots established their service and levied a charge on the Canadian pilots regardless. That was the conclusive end of the argument.

Q. My question was whether you had participated later on in meetings where the Canadian pilots have requested a change in the policy on the American side, in that respect?

A. Not after the commencement of navigation, to my recollection.

Q. You stated also that the contract pilots were issued licences at the same time permanent licences were issued to the Kingston pilots in 1962?

A. In the spring, yes.

Q. Do you know why permanent licences were not issued before to the Canadian pilots of the Kingston District?

A. In the 1961 season they had a licence

English

on a sheet of paper -- I have forgotten how it was headed, whether it was temporary licence or not. It was referred to as a temporary licence, and I understand that during that year the Department were having some consultation with the pilots as to a change of their status, that they might become civil servants.

Q. Did you participate in anything in that respect?

A. No. This is entirely hearsay as far as I am concerned. In the spring of 1962 licences in a permanent form were issued to the pilots.

Q. Do you know what would be the rule in the case of an accident, for instance, involving contract pilots? Would you apply the rules of the District or the Shipping Act yourself or would that be completely left to the company employing these pilots? Have you any idea as to what would be the procedure in a case like that?

A. The procedure would rest with the Department learning of this accident through the filing of a casualty report or wreck report from the steamship company and taking any action from there. I wouldn't necessarily know. If a Canada Steamship Company vessel was involved in an accident, I wouldn't know who was on board as a pilot or anyone was there.

Q. Would you know if they would come under the authority of Captain Jones as Supervisor of Pilotage?

A. They would be under the Department.

English

Q. I bring to your attention, recommendation No. 5 of the brief submitted to the Commission by the Federation of St. Lawrence Pilots. Specifically, recommendation No. 5 of the Corporation of the Upper St. Lawrence Pilots. I would like you to read paragraphs 681, 682 of this brief -- 680, 681 and 682.

A. I have read these paragraphs.

Q. 682 states that if the Commission accepts the recommendation of the Federation as to pilots taking over control of pilotage themselves, they would make arrangements with American pilots. But, as far as the general recommendation is concerned, are you in agreement with the idea as expressed in this recommendation that there should be a greater co-ordination to current administration?

A. I have already expressed that and agree with 680 and 681.

MR. LALONDE: Thank you.

MR. JACQUES: Do you think, Captain Edwards, it would be possible to obtain statistics on the number of ships going through Wolfe Island Cut?

THE WITNESS: This is not an impossible task but it is not an easy one because it would entail a lot of research and talking with pilots because there is not in general enough information on any source form record that Wolfe Island Passage was used.

THE CHAIRMAN: What I am interested in is whether the traffic, not using pilots, is using the lower channel of Kingston?

English

THE WITNESS: I would say that the majority of the vessels, you refer to, are using Cape Vincent...

THE CHAIRMAN: Would it be possible to have information as to what kind of ships would be using the lower channel and when? Who could give us that? The pilots themselves, I suppose.

THE WITNESS: They would have a certain knowledge of this due to the fact that they are frequently in those waters and observing the situation at Kingston.

MR. LALONDE: Mr.Dougan might be able to furnish information for the ships which are not using any pilots.

THE CHAIRMAN: Would you find out what orders are given against the procedures in those places.

We have evidence now, that under certain circumstances it is more dangerous to go to the north channel because of the wind and some other reasons also.

MR. LALONDE: Those not using pilots have to stop or slow down. Not using pilots -- this might affect the picture.

FURTHER DIRECT EXAMINATION BY MR. JACQUES:

Q. Did you participate in the negotiations in the changing over of the boarding station from Kingston to Cape Vincent?

A. My participation in this was the receipt early in March, I believe, of 1962 of a verbal

English

and written communication from the President of the U.S. Pilots' Association that they would be opening a pilot station at Cape Vincent. I communicated this to Ottawa and I believe this was the first intimation they had that this was to be done although it had been talked of as possibly going to take place during the winter of 1962.

The U.S. pilots requested my co-operation in advising them as to certain matters connected with the setting up and procedures at their station, which was given. There were no high level conferences if you wish to refer to them as such.

Q. The prohibition to use Wolfe Island Passage came as a result of the changeover of Kingston to Cape Vincent. Would that be a fair assumption?

A. That is a fair assumption, yes. The question did not arise during 1961.

Q. From your knowledge of from your file, are you able to say whether there was ever any question of safety of shipping as a reason for the changeover from Kingston to Cape Vincent?

A. The pilot station being changed?

Q. Yes. The boarding station.

A. The boarding station. The main boarding station was at Cape Vincent in 1961.

Q. I said the closing down of the Kingston station.

A. I am sorry.

Q. Perhaps I do not understand rightly.

English

It seems to me that pilots could board ships or disembark from ships at Kingston, is that correct?

A. They could.

Q. Later on they were forbidden to do so, is that correct?

A. That is correct.

Q. This came as a result of a prohibition to use Wolfe Island Passage, is that it?

A. Yes.

Q. They have to get on or get off their ship at Cape Vincent?

A. That is correct.

Q. When discussions took place to close down the Kingston boarding station and to intimate to pilots they should not use Wolfe Island Passage, was there ever any question raised as regards to safety of shipping?

A. No.

Q. Never?

A. No.

THE CHAIRMAN: There is not enough water for all ships to go to Kingston. There is 23 feet only in the cut.

Q. Captain Edwards, are you aware of any dredging contract which was let out to improve Wolfe Island Passage?

A. You mean subsequent to the dredging which was concluded in the spring of 1962?

Q. Yes.

English

A. No.

COMMISSIONER SMITH: Captain, in answer to Mr. Lalonde, you have said, as I understood your answer and straighten me out if I am wrong, that you were in accord with recommendation No. 5, paragraph 682 of the Upper St. Lawrence Pilots having to do with the arrangements which could be made if certain things happened between the Corporation of Pilots and the Association of American pilots. Perhaps I misunderstood you.

THE WITNESS: I believe in the recommendation, there are three paragraphs. I was in agreement with the first two, and the third does not have any relevance to my position.

COMMISSIONER SMITH: You were not referring to the third?

THE WITNESS: No sir.

COMMISSIONER SMITH: That is all right. Thank you.

MR. JACQUES: With your lordship's permission, I would like to recall Mr. Davis to the stand in connection with the Wolfe Island Passage.

THE CHAIRMAN: Are there any further questions of Captain Edwards?

Thank you Captain Edwards.

CAPTAIN THOMAS L. DAVIS, Re-Sworn

FURTHER CROSS-EXAMINATION BY MR. JACQUES:

Q. In all your years as master and mate

English

and pilot, have you had occasion to use Wolfe Island Passage?

A. Yes sir. I told you that before, that we used it quite frequently.

In years gone by, when we wished to make an easier passage westbound we would go by the north -- that was before I was piloting and I was master -- of Wolfe Island because you received more protection in the northwesterly weather which is usually your heavyweather. You would get about 60 miles further up the lake before you get into severe sea conditions.

Q. You have explained to us the several currents which face the ship's master when he is embarking a pilot at Cape Vincent.

A. Yes.

Q. Would you mind indicating the currents prevailing in Wolfe Island Passage in red if you please?

A. In Wolfe Island Passage you have sailing water at the foot of the island. Across here you are right underneath the land.

B/MR/RPS

English

A. There is no current in Wolfe Island Passage. At the extreme south end you will get a slight current running down. It probably is half a knot; not more than half a knot.

Q. Yes, indicated by a red arrow on Exhibit 463. Now I note from the chart that if you are westbound and you wish to go through Wolfe Island Cut you have to turn to make two 90 degree turns.

A. Yes sir.

Q. That is correct is it?

A. That is right.

Q. Now would you explain to the Commission whether this manoeuvre, these two 90 degree turns present any unusual danger, or any danger above that which is inherent to ships going through a canal?

A. Not in a locality like this where you have sufficient room. The only thing is that you would have to reduce your speed going into a narrow channel from broad waters. That is the only condition there. That is not difficult at all.

Q. Now sir do you know of any groundings ever taking place off Wolfe Island Cut?

A. I have heard of one but it was a number of years ago. I can't tell you the name of the ship. It is quite a number of years ago where at the time the draught was only about 14 feet 3. That was before the deepening took place.

Q. Now sir, if we may turn to Exhibit 464, you have indicated the current for the boarding

English station at Cape Vincent?

A. Right.

Q. And you also mentioned one or several groundings. Is that correct?

A. That is right.

Q. Is it one or several?

A. I think it has been five.

Q. In how many years?

A. Since the Seaway opened in 1960.

Q. Would you indicate on chart 464 where used to be the boarding station in Kingston?

A. I marked it on the harbour chart.

Q. Would you indicate it on chart 464?

A. Yes sir.

Q. Indicated by a red circle on chart 464 off Kingston. Now near the boarding station would you indicate on the chart the prevailing currents, their rates, and velocity?

A. In this area here your current ---

Q. Which you indicate off Kingston.

A. --- is downriver, never more than half a knot at the most.

Q. For a ship hoved to or slowed down, waiting for a pilot which would you consider more dangerous, boarding off Cape Vincent or off Kingston?

A. Off Cape Vincent because the ship has no room. You only have about three-quarters of a mile of good water. You haven't got that much off Cape Vincent. Off Kingston you have got about two miles

English

outside of one shoal there. It was quite evident you can turn your ship in any direction.

Q. Would it be fair to say then that the boarding of pilots would be safer off Kingston?

A. It would be safer off Kingston because you have got sufficient room, the ship can be turned in any direction.

Q. Now sir turning back again to Exhibit 463 would you tell the Commission or indicate the difference in degrees of danger between going through Wolfe Island Cut and heaving to off Cape Vincent? Which is more dangerous, provided of course that your vessel is at the right draught, which is 23 feet?

A. Yes. That is a very hard thing to answer. In answering this question it has to do with conditions prevailing at that time. In this particular case if you are ---

Q. Which case do you mean?

A. At Cape Vincent, boarding at Cape Vincent or disembarking, which is the same thing, if you have to heave to or slow up, the ship cannot do it, but very little -- a large ship, smaller ships may come more to the south underneath Cape Vincent and head out, but larger ships cannot take that -- put her broadside to the current and usually to the wind, she might not answer. If the pilot got off at the foot of Wolfe Island, there is no appreciable danger in crossing -- it is not in the crossing, the only danger in that case would be sometimes happens when you reduce speed that

English

some ships, they have mechanical difficulties in their propulsion. That takes place every time you put your engine from full ahead to reduction in speed; liable to have something wrong.

Q. From sea speed if you suddenly slow down from sea speed you might run into difficulties?

A. Doesn't necesarily have to be from sea speed. From any speed that is normal full speed, when they reduce the revolutions on the engine, a diesel engine mostly, you are liable to get failure on your engines.

Q. And would that danger be also present if you stopped off Cape Vincent?

A. Yes, the same thing would take place. Be no difference there.

Q. Would it be fair to say from your experience that a ship hove to is more difficult to handle than a ship underway?

A. Oh much more, if you haven't got room for the ship to drift because if she -- if your ship is stopped and only drifting, then she is carried wherever the current is taking her but if you have got sufficient room you may be able to manoeuvre around, otherwise she is liable to drift ashore. As I said in testimony before that in my opinion that is what happened to these ships that went ashore on this bank off Alexandria Point.

Q. Now sir in your opinion if Wolfe Island Cut were dredged to Seaway depth would you consider

English

that boarding on and off Kingston would make the transfer safer, instead of boarding on and off Cape Vincent?

A. I would not want to say that it would make it safer at all times. It would at some times. I must come back and say, because you may ask me the next question how much we used it before the ships were coming down on the Cape Vincent side before. Possibly 75 per cent of the ships did.

Q. Were they smaller ships?

A. They were smaller ships but they were bigger ships too, or as big. Some of the big ones coming down too. They were not picking pilots up there. The pilots were not picked up there in those days. The pilots were picked up, as a rule, off Clayton. That is where lake ships ---

Q. They did not heave to or slow down?

A. They did not heave to or slow down coming in there, no.

Q. Just ships underway?

A. No. It was not until the Seaway opened that there was any strandings around Cape Vincent.

Q. Thank you.

CROSS-EXAMINATION BY MR. BRISSET:

Q. Let us take a ship that is upbound that will disembark pilot at Cape Vincent. Would you not agree that she is in the open waters of Lake Ontario

English
and there is no difficulty or practically none in open waters of Lake Ontario when she leaves her pilot?

A. Practically. You are still in confined waters at that particular spot.

Q. For how long?

A. Couple of mile. There has been no trouble where the pilot disembarked. All the cases of accidents have been eastbound.

Q. What about the other side? Let us take again an upbound ships that disembarks her pilot where you have indicated on the chart.

A. Kingston.

Q. You will agree with me that after disembarking the pilot, she is still in restricted waters for quite a distance before coming into the open waters of Lake Ontario?

A. Yes, to a great extent.

Q. How many miles would you say?

MR. JACQUES: Would you turn to Exhibit 464 please? Thank you.

A. If you want to say that, you would have to come outside of Nine Mile Point which is about eight, nine miles.

Q. Now if you had this arrangement depending upon the pilot's decision, some ships would get get their pilots there and others at Cape Vincent, wouldn't you have to have two pilot boat services?

A. Yes, maybe you would but we had them before. It didn't cost the ship any more money. It has

English

cost us more money not that only one is ---

Q. Is that your main objection, and I am speaking of the pilots here?

A. No, not money. I don't think the money question is the one, I think it is a question which contributes to it but the question is that to get over there -- may I draw to your attention twice this summer Mr. Dogan has had one of his boats wrecked. The last time it happened couple of weeks ago. That boat will probably cost him $150 to $200 to repair this time because he has to bring a pilot over and he has to go in here in this very narrow water. Twice in this summer ---

MR. LALONDE: That is between what and what?

THE WITNESS: Between Garden Island and -- well going into Marysville at Garden Island. From Garden Island into Marysville and Wolfe Island I should say, not Garden Island. Going in from the good water into the dock. That has happened this summer twice that his ship has been wrecked.

Q. That is where he embarks or disembarks the pilot?

A. Well he has to bring a pilot across from Kingston, across here and he brings you across in a speedboat and then takes you from there across to Alexandria Point by car.

THE CHAIRMAN: Across over the Island?

THE WITNESS: Across over the Island, yes sir. One of the things is that on the American side

English

there are no modern or convenient facilities for going from one end of the District to the other. If you get off at Cape Vincent and you were called back to Cornwall, you would have to go to Watertown, from Watertown you would get another bus that would take you down to Massena, from Massena across you would have to get a taxi.

Whereas, on the Canadian side you have got bus and rail, four train service and I think this is six bus service every day. Does that answer ---

THE CHAIRMAN: What do the American pilots do now when they are called to travel byland?

THE WITNESS: This is hearsay. Some of the others could answer that. I think that it is in the regulations that they must be notified far enough ahead of time that they can take this conveyance. Whereas, we were told we only get two hours notice because the communications are so much easier on the Canadian side. We are limited to that. They must be told ahead of time. That is hearsay. Some of the other people could answer that.

THE CHAIRMAN: So they do not travel on the Canadian side?

THE WITNESS: I don't know they do too much. I think sometimes now that two or three of them wait and take one of their own automobiles from one end to the other.

THE CHAIRMAN: In any event, it would be longer because then they would have to cross over Wolfe

English
Island?

THE WITNESS: Yes sir.

THE CHAIRMAN: And then Kingston which is going to be a long trip?

THE WITNESS: Yes, that is right. There was some question of them going down across the Thousand Island Bridge but that is still quite expensive.

THE CHAIRMAN: Could you give us some information as to the question I was asking before as towhat kind of traffic is using the north passage now?

THE WITNESS: Well at the present time there is only the ships that are taking on cargo, or discharging cargo at Kingston that have a limited draught that can go across there. If they are loading at Kingston elevator, they come there, they go that way. Many of the older masters even in the foreign ships that were here before the Seaway opened, they said that they would prefer to go by way of Kingston but as we were told we could not go that way, we simply told them that that was a regulation, so they have practically stopped asking that; very few ask it any more.

THE CHAIRMAN: Would it be fair to say that by Cape Vincent passage it is a fair way if a ship does not have to stop? If she could keep on going, it is all right?

THE WITNESS: Yes sir.

THE CHAIRMAN: But they have trouble when they have to heave to?

THE WITNESS: They have trouble when they

English

have to heave to and slow down. That is when the trouble takes place.

THE CHAIRMAN: That answers my question.

RE-DIRECT EXAMINATION BY MR. LALONDE:

Q. Are you aware yourself whether a contract would have been awarded for dredging of Wolfe Island further?

A. This is hearsay. I believe the Member of Parliament at Kingston has made the statement that it is supposed to be in the new estimates. That is hearsay and I did not hear him say it myself. That has been told to me.

Q. Maybe hearsay even for the M.P.?

A. Could be.

MR. JACQUES: We will check with the Department of Public Works on that.

Q. Secondly, even at 23 feet now what percentage of ships, sea-going ships could use the northern passage, approximately?

A. I would say, safely say 60 per cent.

Q. Now did you explain to the Commission what happens or the communications service you have between Cape Vincent and Cornwall if you transfer from one end of the station to the other by the American side?

A. We told them. We just finished; had to go to Watertown and from Watertown ---

English

Q. How far is Watertown?

A. Watertown is 25 -- 21 miles back inland. Watertown is back in here. There is no service that goes directly down along the St. Lawrence River. You must go back into Watertown and then you will get a service that will take you down to Ogdensburg. From Ogdensburg down to Massena.

Q. And then to Cornwall?

A. And then across to Cornwall of if we are willing to pay a taxi driver, you can get him to take you from Cape Vincent down across the Thousand Island Bridge.

Q. How much is that?

A. I wouldn't know. I wouldn't take it myself. It's about 30 miles and when you are across the Thousand Island Bridge you still got to wait on the side of the road until a bus comes along, unless you go to Gananoque or to Brockville.

THE CHAIRMAN: Any further questions of Captain Davis? Thank you Captain Davis.

MR. LALONDE: May I recall Captain Edwards for one question?

CAPTAIN JOHN ALAN EDWARDS, Recalled

CROSS-EXAMINATION BY MR. LALONDE:

Q. When you did prepare the tour de role regulations, were there any consultations with pilots in that respect?

English

A. Yes.

Q. Did you consult with the Canadian pilots?

A. Yes.

Q. And the American pilots also?

A. Yes.

Q. Was there a joint meeting of some sort?

A. In 1961 I cannot recall whether there was a joint meeting inthe early part of the summer between the Canadian and U.S. pilots to discuss the tour de role but it was discussed with them both.

Q. In 1962 was it discussed?

A. Yes, things have been on a more regular basis in the last two years.

Q. Now do you know at what time the first ship passed in your District this year, approximately?

A. Was this the year when the season was delayed through Eisenhower --

Q. This year, 1963?

A. Be April 15th.

Q. I notice that the amendment providing for the billing and collection on a new basis, that is on the basis of the currency of the nationality of the pilot, is dated April 29th 1963, which would imply that previous to that date the old agreement would apply. Have you followed this rule or what did you do for this year? There would be a period of about 14 days in which the old rule would apply. That is the billing should have

English

been done on the basis of the dispatching station.

A. The entire billing for this year was done in accordance with the new regulations. To the best of my recollection we held back on invoicing until we were informed to proceed on the new plan.

Q. Who informed you to proceed on the new plan?

A. Ottawa.

Q. Have you been informed by Ottawa that the pilots had protested and said they would sue if this rule would apply before it would come into effect?

A. No.

Q. And that it would be illegal to proceed otherwise than as before?

A. No.

Q. You have not been informed in that respect?

A. No.

Q. Were you informed by telephone or writing of this or teletype?

A. I cannot recollect at this time.

Q. Could you find out in your files and see if you have any record of this and make it available to my friend Mr. Jacques. Were you holding these bills back under Ottawa's instructions or on your own?

A. That would be under Ottawa's instructions.

English

Q. Do you have any idea how many ships passed through between April 15th and April 29th?

A. I would hazard a guess at a hundred.

THE CHAIRMAN: Any further questions of Captain Edwards? Thank you Captain.

RAYMOND BISSONNETTE, Sworn

(THROUGH THE INTERPRETER.)

THE SECRETARY: What is your full name?

THE WITNESS: Raymond Bissonnette.

THE SECRETARY: Your age?

THE WITNESS: Thirty-three.

THE SECRETARY: What is your occupation?

THE WITNESS: Pilot in the Kingston District.

DIRECT EXAMINATION BY MR. LALONDE:

Q. How old are you?

A. Thirty- three.

Q. Since when have you been a pilot in the Kingston District?

A. Ever since 1959.

Q. Were you a pilot prior to that in the St. Lawrence Kingston-Ottawa District which extended from Montreal to Kingston?

A. Yes.

Q. For how many years?

A. During the first season until August. Then afterwards the change came, about in 1960. This

French

change was made that year.

Q. So you were admitted as a licensed pilot in the District in what year?

A. September 1959.

Q. This was in the St. Lawrence Kingston-Ottawa District?

A. Yes.

Q. Prior to your appointment as a pilot in the Cornwall District what was your sea experience, or your experience at sea?

A. Starting to navigate in 1942, 1942, 1943 and 1944 only during the holiday period, that is July and August as a seaman aboard one of the Canada Steamship Line boats, the RAPID PRINCE and in 1945 I was a seaman on the TUG SOULANGES, a vessel of the D.O.T., and then I started on the Great Lakes in 1947 on the KINMOUNT of the Canada Steamship Line and in 1948 as a watchman on the KINMOUNT and in 1949, 1950 and 1951 as a wheelsman on the MEAFORD and in the spring of 1952 I obtained my certificate as mate inland and the company appointed me 3rd mate on the ELGIN and in 1953 I was promoted to 2nd mate of the STARMOUNT and 1953, 1954, 1955 as second mate on the STARMOUNT and 1956 I was promoted as 1st mate on the HASTINGS and then in 1957, 1958 I was a 1st mate on the MEAFORD and in 1959 upon the opening of the Seaway as there were many lakers the company sent me as 2nd mate and pilot on the WINNIPEG. I forgot to mention here that on the STARMOUNT as a 2nd mate I helped oftentimes to

French

do some piloting wherever there were no pilots available.

Then on the HASTINGS as a 1st mate oftentimes during the season that there were no pilots available and consequently I was undertaking piloting again and in 1957 on the MEAFORD as well as a pilot in the years 1957 and 1958.

Q. On these ships you have mentioned that you were undertaking to perform piloting, wherever there were no available pilots, are you referring to licensed pilots of the District?

A. Yes, either special pilots of the company or licensed pilots of the District.

Q. These vessels referred to, were they all of the Canada Steamship Lines?

A. Yes.

Q. In 1959 you said that you were a mate and pilot, or second mate and pilot on board a vessel?

A. Yes, the WINNIPEG of the Canada Steamship Lines.

Q. In what District?

A. Always from Montreal to the Great Lakes.

Q. What was the course of the WINNIPEG?

A. Montreal/Toronto and Winnipeg.

Q. How did you proceed to perform your duties as a pilot on board these vessels between Montreal and Kingston?

A. Aside from having my usual watch of the River, used to do some piloting as the master had not

French navigated a great deal in this District; he was an officer on board lakers and as he did not come often to Montreal well naturally he did not know the River a great deal so I was piloting on the River. I might add here that on long trips, for example from Prescott to Brockville or Clayton to Cape Vincent the captain was not piloting in this District, so as to allow him to rest, so most of the time I tried to arrange matters with an officer and as my watch was from 12 to 4, and from 8 to 12, if I was piloting on the River from 8 to 4 ---

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:/TT/RPS

I was saying if I had to pilot on the River outside of my own watch I'd arrange matters with the officer from 8:00 to 12:00, and if I was operating on the River during that watch I took, tell him I will have a rest, and as my watch was starting on the Great Lakes I had an opportunity of resting. So we were exchanging watches that we are to have. It was possible from Toronto to Cape Vincent. We had to have our watch in the harbour. Oftentimes we had to try so others could have experience.

Of course, you are reimbursed for your duties as a pilot.

Q. What did you get?

A. Well, the first year as a 3rd mate on the ELGIN, the captain so assured me -- it was towards the end of the season from September to the end of the navigation season, he let me pilot by myself on the River. So, at the end of the season he paid me $10.

Q. $10 for the whole season?

A. Yes.

Q. There was a certain navigation season?

A. Yes. When I was a mate and there were no available pilots, there was the captain and myself, we were operating on the River and this was a kind of agreement between the captain and myself. He would pay me while everything was in agreement and I think it was $50 for one transit from Montreal to Kingston.

Q. Are you talking about the official

French rate from the Pilotage Authority?

A. This is the rate paid by the company to the captain and the captain, out of the $50, gave me $20. And then when I started as 1st mate and pilot on the MEAFORD, there was an agreement made between the companies because there were many mates who were complaining that the captain was receiving full rate and not paying his mate enough. So, the company established a tender agreeing at the beginning of each navigation season made between the captain and 1st mate to help him out in the River and told that to the office, and the cheque should be made to the order of the captain.

So, on the MEAFORD I had an agreement with the captain to receive one-third of the pilotage tariff.

Q. That was in 1959?

A. No sir, 1957. At that time the rate had been $60. So, the captain received $60 and I received myself $20 out of the $60. I would like to add also that on the MEAFORD there was a new system agreeing the first mate would still work with the captain and as soon as the captain found out that one mate had experience in manoeuvring, well, he would work -- the first captain was working from 6:00 to 12:00. So, we were working six hours in time.

Q. In 1959 you were on the WINNIPEG. Did you have any agreement?

A. Yes. The WINNIPEG in 1959, we had an increase a bit. It was half and half. As a matter

French

of fact, I was doing the whole work myself.

Q. These conditions sort of made you -- helped to make you a licensed pilot?

A. I already had made a request for that in 1960.

Q. How many trips were you doing in the District? When I talk about trips I mean transits during the whole navigation season.

A. We travel suddenly between Montreal and Kingston. We accomplished 104 transits, 52 trips return. On the other hand ships had already done between 40 and 45, so we accomplished 80 to 85 transits in the District.

Q. So, this was during a period which was extending from one time to what other time?

A. It started from the beginning of April until this December.

Q. It was an average of more than one transit a week?

A. Yes. We were taking one return trip in two and a half or three days. Three days with ELGIN because this was more than two trips on the average per week.

Q. According to your experience, did you sign the articles of many vessels and from one vessel to another?

A. In 1959 there was a stoppage of work of the pilots of the District Montreal-Kingston at that time. I have had six or seven or seven or eight special

French pilots who join the pilots of the Kingston District for stoppage of work. So, the company need pilots. I was requested by the company to pilot from one vessel to another. I refused. I told him if he want transfer as mate on these vessels,but only as pilot, I refused. This is what happened in 1957. I was transferred on many occasions and always as 1st mate and pilot of the ship then the MEAFORD, ACADIAN and then I went back to MEAFORD and PENETANG and then I went back to MEAFORD.

Q. This was during the stoppage of work of pilots?

A. Yes.

Q. At that time?

A. The vessels were waiting for four days in Montreal Harbour in order to unload the vessel. If I found out the vessel was to be in harbour a week or ten days, send me on a ship which unload and undertake a trip to Kingston, and every time I signed as 1st mate and pilot on that vessel.

Still on the ACADIAN I was supposed to do the full pilotage and the company sent me under that condition that I receive my pilotage cheque. It was in the amount of half of the amount that I should have been paid.

Q. You say you put your name on the list in 1950 in order to become a pilot of the District. Starting at the time when you started to perform the duties of a seaman, am I to understand that only your activities were restricted to the area of

French

Montreal upbound?

A. Only for a few seasons. I made a few trips to Cornwall. We made a few trips to Quebec during the navigation season.

Q. Did you proceed to become a pilot?

A. In 1950 I was a wheelsman and the captain had recommended me to file in an application, and found out I was interested and that I was always staying on the alert outside of my watch and I was asking for landmarks. When he found out I was interested he suggested me to make a full application to the D.O.T. in order to become an apprentice pilot in the District. I made an application to the D.O.T. When my name came up and they needed pilots in 1957 I was called upon to pass an examination here in Montreal, and in 1959 I became an apprentice pilot.

Q. This examination which you passed in 1957 in Montreal included an examination on the local knowledge, theoretical knowledge?

A. At that time it wasn't like today. The examination we were passing was a pilot's examination. We had to be a pilot to pass an examination. So, naturally we had to have knowledge between two and five years. In the last two years of these five years we must have to be in charge as pilots in the River.

Q. After having passed that examination in 1957, you did not pass any other further examination before being calledin 1959?

A. This was only asmall final examination.

French

It was not an exhaustive examination that we passed
CC2 in 1959. When we were called in 1959, well I had accomplished the 21 trips in the District as apprentice, and in the month of September was called to the office. We were called in the office of Jean Guy Chartier There was one representative of D.O.T., present, and the President of the Corporation of Pilots. We passed an oral examination and the next day we started as pilots.

Q. Were you advised that you had passed your examination with success in 1957?

A. Yes.

Q. You performed the 21 trips?

A. I was called as an apprentice pilot in August 1959 and I started on the 8th of August until September 21st, and I performed 21 trips in the District.

Q. At that time was that trip from Montreal to Kingston?

A. Yes.

Q. Was it not the procedure generally fcllowed by other pilots according to your knowledge?

A. Yes.

Q. Wasit the system followed before 1959 to your knowledge?

A. I think so.

Q. While you were admitted as a pilot in 1959, in September 1959, were you immediately put in charge of any ocean-going vessels transitting the

French

District of Cornwall-Kingston?

A. Yes.

Q. Are you a member of the Corporation of St. Lawrence Pilots?

A. Yes.

Q. Are you a member of the Corporation of Pilots, St. Lawrence Kingston-Ottawa?

A. Yes.

Q. Did you act as a mate in the Corporation of Pilots, St. Lawrence Kingston-Ottawa?

A. Yes. On the last year, the Corporation of Upper St. Lawrence was established. They had separated the Corporation in two for administration purposes because the problems were different from Cornwall to Kingston and then decided to establish a sub-Committee in the Kingston District and had been appointed Director of Cornwall-Kingston.

Q. Were you a member of the Board of Directors as well of the Corporation or Pilots, St. Lawrence Kingston-Ottawa?

A. Yes.

Q. Were you a member of the Board of Directors of the Upper St. Lawrence Pilots' Corporation in 1961?

A. Yes. I was a director.

Q. In 1962?

A. Yes, I was.

Q. What is your position today?

A. President of the Corporation.

French

Q. Ever since when, approximately?

A. A year today.

MR. LALONDE: Your lordship, I would like to file a certified copy of the letters patent and of the By-Laws of the Corporation of the Upper St. Lawrence Pilots By-Law No. 5 which is annexed to a By-Law about instructions similar to the one that has been filed for the Corporation of the Montreal Harbour Pilots and Seaway Pilots' Corporation. This By-Law bears No. 5 and it should bear No. 4. There was a slight mistake regarding By-Law No. 3. I could not find that document and as soon as I have a copy I will add it to this document.

I am told right now that this is a By-Law which amends By-Law No. 1 which states 24 pilots who has signed convention briefs. That is all the pilots of the members of the District, and at that time are members of the Corporation. So, this is the only effect for that By-Law and I should have a certified copy tomorrow. It is one clause that says 24 members who have signed the original Corporation document.

This will be Exhibit 848.

---EXHIBIT NO. 848: Certified copy of the letters patent, By-Laws.

Q. I notice that your Corporation has been incorporated on August 21st, 1961?

A. Yes.

Q. Again, could you please explain to the

French

Commission what were the different procedures followed in the course of the year 1961 in order to get to the establishment of such Corporation?

A. As I stated beforehand, in 1961 after the subdivision of the two sections or Districts of Montreal to Kingston.

Q. By the Pilotage Authority?

A. Yes.

Q. The problems were different between Cornwall and Kingston?

A. The pilots had decided to establish their own Corporation. Consequently, after meetings between pilots in order to discuss this contract or project, all pilots of the District had decided that in order to correct the situation that they had to establish the Corporation for the Kingston District. So, after holding many meetings of the sub-Committee, at that time the sub-Committee of the Corporation of Pilots of Kingston-Ottawa who had pilots in the Kingston District, it decided to establish that Corporation. After having consulted with legal adviser and numerous meetings for different pilots, we decided a Corporation should be established by pilots.

Q. I think you are referring to notes. Were they prepared by yourself?

A. Yes.

Q. All alone?

A. I prepared them all by myself.

Q. Do all pilots of your District become

French members of your Corporation at that time?

A. Yes. There were 24 pilots in that District. That District was supposed to be members of the Kingston District, so all 24 joined the Corporation.

Q. Did you Corporation start its programme of activities in 1961?

A. No. Only in the spring of 1962.

Q. At the present time, do you have any direct affiliation or relationship with the Corporation of the St. Lawrence and Seaway Pilots?

A. No.

THE CHAIRMAN: Before going into another field, I think it would be a good idea to have a short recess.

---A SHORT RECESS.

---FOLLOWING THE SHORT RECESS:

CONTINUATION OF DIRECT EXAMINATION BY MR. LALONDE:

Q. Captain Edwards in his report makes reference to a number of problems arising in the course of operations in the course of the year, and I believe that he refers to them as being teething problems. These problems took place in your District and I would like to examine with you some of these problems which may have arisen.

First of all, Captain Edwards mentioned the

French

fact that you had received a permanent licence in the spring of 1962, is that correct?

A. Yes.

Q. What was the situation prior to that date?

A. I think I had a temporary licence before that. A temporary licence which had been granted to each and every pilot beforehand. The principle was that the pilot should serve on the basis of a temporary licence and later on the Department, at the end of the year, would decide whether he can qualify and become a pilot whereupon he was granted a permanent licence.

Q. Were all pilots holders of temporary licences in 1961 in the Kingston District?

A. No. Because, there were pilots who had already been granted licences in 1934. Pilots who had already passed an examination and they had permanent licences.

Q. You are referring to those who passed their examinations in 1934?

A. Yes.

Q. Others passed the examination after 1934. What type of licence did they have?

A. As I said, a year of practice. Their licence had expired, and they were granted a new licence. But the last group consisting of 16 pilots was granted only a temporary licence.

Q. What is the 16 pilot group which you

French have just mentioned?

A. The people were admitted to piloting in 1959.

Q. At that time the District Montreal and Kingston?

A. Yes.

Q. Were all the other pilots holders of licences admitted in 1934?

A. Not all of them.

CC3 Q. Those whom received licences after 1934,who were not among the 16 you have mentioned, did pay for the temporary licence in 1961 in Kingston?

A. I am afraid I cannot answer this question.

Q. There were 24 pilots altogether in your District?

A. That is 1961.

Q. Were the 16 younger, so to say, than those who had the most recent licences -- were they all in the Kingston District?

A. Yes.

Q. When you were admitted in 1959, did you have a temporary licence?

A. Yes.

Q. You still had a temporary licence in 1960?

A. Yes.

Q. In 1961?

French

A. Yes, still temporary licence at that time. We paid an official request for a permanent licence to the Department and the Department replied that is to be abolished. It was better not to issue any permanent licences as long as the Canadian and American agreement had not been reached.

Q. Was it usual to issue a temporary permit for the first year?

A. I think so.

Q. Were you given any further reasons for which the issuing of permanent licences have been prepared in your District?

A. I think there was a reason given by the Government with employees of the Government.

Q. What do you mean?

A. At that time I think that the Government was negotiating with the Americans to set up a new District, a new International District which was being created. The Government decided that the pilots in this District should become employees of the Government.

Q. Do you think that the persons with these temporary licences of pilots represent a major problem for you pilots -- did it give rise to any particular difficulties?

A. No. But, I think that after the first year, if the Government had no reasons other than that of the experience of the pilot or something like that, I think the pilot should have been granted a permanent

French licence then.

Q. To your knowledge, did the pilot ask for a permanent licence to be given then?

A. Certainly, several times.

Q. What was the power you got? Any other arguments put forward?

A. No, no more argument.

Q. Did the Government make any attempt in your District during the establishment of the International agreement to bring you under the jurisdiction of civil employees with the prevailing rate? We will talk about the civil servant regime?

A. Yes.

Q. Were you the Director of your Corporation at that time?

A. Yes. It was in 1961 when I was Director of my Corporation.

Q. Could you explain to the Commission how the negotiations were carried out in this respect? Was it a question that was debated first of all with the representative of the pilots in your District?

A. That is the case. We received a letter. I think prior to that a letter from officials. They received a letter from D.O.T. inviting all pilots to attend a meeting at his office on 28th February, 1961, so he could explain to the pilots the situation which arises in the Kingston District. The reply from the Minister after the meeting bringing together all the

French members of the Corporation was that only the members of the Board of Engineers should meet with the Minister in order to get the information of proposal made to pilots. I think a cable was sent to the Minister and the Minister replied that he wanted to meet all the pilots. The pilots decided they should go to Ottawa, all expenses paid, in order to meet with the Minister.

MR. LALONDE: Your lordship, the files from the Ministry would probably help the table which has just been referred to. I would like to table this and table the copy of letter of February 13th, 1961 sent by Mr. G.R. Beaudoin to each of the pilots of the District and also a copy of letter from Mr. Beaudoin to Mr. Vinton, President of the Committee of Pilots of the Kingston District to inform him that a letter had been sent to every pilot on September 28th, 1961 to come to Ottawa.

D/MR/RPS French

This letter states, and I quote in English:

nglish "The letter also informs all pilots "that the Kingston District is now defined "as part of the Great Lakes area under the "new Section of the Canada Shipping Act "which provides for special pilotage "arrangements applicable to the Great Lakes, "these to be developed on a joint basis "with the United States. It was pointed "out that it is, therefore, no longer possible "to carry on on the old basis which is "applied hitherto.

"Attention is also drawn to the fact "that the Pilots' Committee of the former "St. Lawrence Kingston-Ottawa District was "given indications over the past year or "two on more than one occasion that major "changes would be necessary when the new "Great Lakes scheme came into effect. The "new scheme forthe Great Lakes will be "put into effect with the commencement of "the 1961 season of navigation. The purpose "of the meeting with the pilots of the new "Kingston District is to explain the "conditions that will apply to pilots in this "area. The Minister has agreed to meet with "the pilots concerned for this purpose "between twelve noon and one p.m. on Feb- "ruary 28th, 1961 . . . " at a certain place

English

indicated in the letter.

"The Department will reimburse for "rail or bus fare from your home. I shall "look forward to meeting you and your "fellow pilots in Ottawa on February 28th."

French

And a copy of this letter was sent to me by Mr. Alan Cumyn on date of February 16th 1961. We could give a number to this Exhibit right away.

---EXHIBIT NO. 849: Correspondence between Pilotage Authority and the pilots from the Kingston District concerning the status of civil servants, February, 1961.

Q. Do you remember having received a letter from the Minister of Transport in February 1961?

A. Yes.

Q. Did you attend personally this meeting? You declared that you sent a delegation to the Minister. You said that the Committee of Pilots would meet with the Minister?

A. Yes. It was replied that the Minister wanted to meet each and every one of the pilots because the future depended on this meeting.

Q. So you attended this meeting?

A. Yes.

Q. Did all the pilots in the District go to the meeting?

A. Yes.

Q. Could you describe the purpose of this

French meeting? Who attended the meeting apart from the pilots?

A. Well I cannot remember all present. The Minister of Transport was there and also the Deputy Minister, Captain Slocombe, Captain Jones, Mr. Baxter. There were two or three more people I believe who dealt with the civil servants, to explain the views of the Civil Service. And Mr. Booth was also present.

Q. Mr. Cumyn was present as well?

A. Yes.

Q. With regard to your relatively short experience in the field of pilotage, have you ever since seen so many top officers faced with pilots?

A. No.

Q. Have you ever seen anything similar?

A. This was the first time I met so many top people at the same time.

Q. What happened in this meeting?

A. The Minister explained to all pilots what was the situation in the Kingston District. We were told that there was no final agreement taken. It was provided to make an arrangement whereby the Canadian Government would be responsible for two-thirds of the pilotage and the Americans responsible for one-third of the pilotage. Furthermore, four pilots in the Kingston District would not have their licences renewed. Therefore, four pilots would have to be cancelled. The best solution, it was said which the Pilotage Authority had devised was to put pilots on a salary paid by the Govern-

French

ment.

Q. What was the salary?

A. $1,437 per month, if I remember correctly.

Q. Your lordship I would like to file a document which was presented during this meeting for use at the proposed meeting for Kingston pilots of February 28th. I don't remember whether this document was given to each and every pilot.

A. It was.

Q. I would like to add this document to the exhibits already mentioned and under the same number. I would like to draw the attention of the Commission to the last paragraph in which the Minister declares that he does not intend to extend this proposal to other Districts in the St. Lawrence and he adds at the end:

English

"That the pilots of these Districts "strongly prefer the present arrangement to "the alternative of annual salary from "Government sources and I have, therefore, "no intention of seeking any change in "their status. However, the new basis on "the Great Lakes has left us little choice "but to re-organize the Kingston District "along the lines I have mentioned."

French

(THROUGH THE INTERPRETER.)

THE CHAIRMAN: You have just said that the salary offered was $1,437 per month. Is that for 12

French
months of the year?

THE WITNESS: No, only for eight months.

Q. Normal period of employment from 18th of April to 14th of December with the usual conditions to that effect, possibility of early retirement, a number of bonuses are also provided for and fringe benefits.

A. But only after a certain number of years.

Q. This has already been numbered. What was the reaction from your group when faced with this proposal?

A. After the Minister had explained all the advantages of such a system it would represent to the District pilots and he wanted to draw our attention upon the point that four licences would not be renewed if we did not accept this offer. He had to cancel four licences because, according to the agreement, there would be only 20 pilots working in the Kingston District. Consequently, four pilots would not have their licence renewed. I don't know which pilots, if they were the four last ones or on what basis this system would be. Four licences would not be renewable. This spring, after having heard all this explanation, each pilot on an individual basis was asked to rise and to decide if he was in favour or against the Civil Service and so each pilot refused.

Q. Was the answer unanimous?

A. Yes, unanimous, each pilot refused

French

unanimously one by one.

Q. Was that in the presence of the officers of the Department?

A. Yes.

Q. Subsequently what happened? Were there four pilots who lost their licences in the spring or what happened exactly?

A. No. After that meeting we made a proposal to the Department which read as follows:

> That the 24 pilots were ready to share the pool of the pilots on the list and we proposed that a compulsory system of holidays, that there would be four pilots who would go on holidays during the season and that 24 pilots were ready to share the work.

Q. Were all pilots in agreement with that proposal at that time?

A. Yes.

Q. As compared to the Civil Service system of remuneration, at that time did that represent, in your mind, when you made your choice, a decrease in wages as compared to what the Civil Service Commission offered to you at the time?

A. Yes.

Q. Were there any other pressures exercised ever since that date in order to urge you or encourage you in becoming civil servants?

THE CHAIRMAN: If there was a counsel who represented the Government, he would object.

French

There were pressures.

MR. JACQUES: Naturally your lordship after the comments that have been made for the past two days regarding my function, I did not dare object. However, I would like to ask my colleague as it is a very important point, not to ask any questions that might be slanted and to behave as if he were in the Superior Court.

Q. Your lordship, I have used the word "pressure" because the first one that came into my mind was even a harsher one. In my mind the word "pressure"had no adverse meaning whatsoever. Were there any negotiations that were made ever since that time in order to encourage you to become a civil servant?

A. Not that I know of.

Q. I think I would have been ready to discuss the word "pressure" in the light of the documents that have been filed before this Commission. As soon as you had overcome this first problem, or this first difficulty in the organization of your District, what other problems did you have to face in the course of 1962 or at the outset of your organization?

A. You mean problems, internal regulations or what?

Q. Well organizational problems, any other type of problems to make up your mind regarding the organization of pilotage in your District in the course of these years, 1961 and 1962.

A. In 1961 I don't remember because in 1961 the District has been established and the Pilotage

French

Stations were located in Cornwall and Kingston and I don't think that in 1960, 1961 we had to face any problems.

Q. So in the course of 1961 were there any pilots dispatched on vessels which were transitting Lake Ontario?

A. No.

Q. During that first year were you called upon to perform your service on all vessels whose master was not a holder of a licence grade B?

A. That is correct.

Q. Did you make any request during 1961 or the end of 1961 in order to correct that situation?

A. Yes. We made the same request with the Department so that pilots be appointed in order to cover Lake Ontario District so that the pilots of Kingston District would not have to cover the Lake Ontario area because at one time there were ten or twelve Districts which were serving Lake Ontario and naturally this was bad for the efficiency of pilotage in the District and the pilots had to come off a vessel and then go on board another vessel and there were not enough pilots available.

Q. Would you be in a position to say when this situation was corrected with the Department?

A. It all started in 1962, in July or June of 1962. We had gone on taking some candidates on the list of apprentices in the St. Lawrence Kingston-Ottawa District andas these applicants had certificates,

French

we had asked them to follow that list and to appoint pilots along the Lake Ontario so that these pilots in the future could become pilots in the future Kingston District as they already had passed with success an examination as apprentices in that District.

Q. Did you take part in this stoppage of work of April 1962 on the St. Lawrence?

A. No.

Q. No?

A. Well there were no ships in our District.

Q. Did you make any request at the time to the Pilotage Authority regarding the problems which were still unsettled at that time?

A. Yes. This was one of the requests. We had sent a brief to the Department which included nine requests and this request for the Lake Ontario area was one of these nine requests.

Q. Your lordship I think that the brief referred to by the witness has been produced by the Shipping Federation in their brief upon that meeting which has been held in February 1962. This is schedule 66 of the brief of the Shipping Federation.

Did you have enough pilots in order to meet the needs during the navigation season of 1962?

A. In 1962 I think that four pilots have been appointed for the Lake Ontario area and I don't think that this number was enough because the pilots of

French

District No. 1 had to perform 310 trips on Lake Ontario and this was in addition and we would have to add all the trips that the pilots of District No. 2 accomplished on Lake Ontario but District No. 1 did 310 trips.

Q. You mean in addition to those performed by apprentices?

A. Yes.

Q. Did you make any further indication about that in 1962?

A. Yes. I think it was in the winter of 1962 or the spring of 1962 we asked the Department to add four further pilots because we thought that four further pilots would have enough work in order to have a reasonable salary so we asked for four additional pilots on Lake Ontario and the Department appointed two pilots, or rather three. Consequently, at the present time there are six pilots in the Lake Ontario area, three Canadian pilots and three American ones.

Q. Is that number sufficient at the present time?

A. No, because this year we had to perform 125 trips on Lake Ontario, District No. 1.

Q. Would that number be sufficient in order to keep an additional pilot at Lake Ontario?

A. That is what we figured, yes. One additional pilot for the Lake Ontario area and I think that the average of trips made by pilots of Lake Ontario was between 130 and 140 for this year.

Q. When you made this request for pilots

French

to perform duties on Lake Ontario, were they appointed at the beginning of the navigation season in due course of were these appointments made later on?

My question is was there a long delay between the time you made your request and the time you obtained your pilots?

A. Yes, there was a certain delay. I think that in the first year pilots were appointed I think in the month of June or July. Perhaps it was June 25th and this year again pilots were appointed, or I couldn't say exactly but I think it was in the month of June as well.

Q. Your lordship I have here a copy of a letter which was sent to Mr. Cumyn by myself on behalf of the pilots of the District dated February 25th 1963. That is subsequent to the meeting or to a meeting which was held on February 19th 1963 to Ottawa aiming at asking for an increase in the number of pilots on the Lake Ontario area. I would like to file this copy of the letter as Exhibit No. 850.

---EXHIBIT NO. 850: Copy of letter dated February 25th 1963 sent by Mr. Lalonde to Mr. Alan Cumyn.

A. I would like to add here that we have received a formal notice on the part of the Minister in the month of April 1962 so that necessary measures would be taken so that a pilot of District No. 1 would no longer have to perform their duties on Lake Ontario.

French

Q. As a matter of fact, your lordship, this is contained in the agreement which occurred at the end of the stoppage of work of 1962, agreement which was signed by the Honourable Leon Balcer which has been filed as an Exhibit before this Commission previously. Your request was a request to the effect that you be issued a permanent licence. Do you know at what time this request was agreed to?

A. In the spring of 1962, before the opening of the navigation season.

Q. And these permanent licences have been issued to each pilot. Now Captain Davis mentioned difficulties at the outset which had occurred regarding the operation of the pilot boat at Kingston and Cape Vincent. Could you briefly sum up the situation regarding that matter insofar as you are personally concerned and the negotiations which might have taken place about that matter. In the first place, what was the situation in your own opinion in 1961?

A. Well in 1961 the dispatching was done from Cornwall upriver and from Kingston downbound although two groups of pilots, Canadian and American were dispatched by the Kingston office and as there was a service of pilot boats that had been established for more than 25 or 30 years, all Canadian pilots were availing themselves of this same transportation facilities and even a few American pilots who figured that Cape Vincent at that time was not very well-organized in order to accommodate the pilots, so there were a few

French

American pilots who were availing themselves of the service of the Canadian pilot boat in order to embark, and get off, and then a certain group, I think there were five or six Americans at that time who had their own boat in order to go on board vessels and disembark in 1961.

Q. In 1962?

A. So in the spring of 1962 the Americans or rather Kingston dispatching office was transferred to Cape Vincent and those who were responsible for that office, I think it was the American Association, well they figured that as they were in charge of the dispatching it was their duty to have a pilot boat in order to take pilots on board and disembark them. They figured this was one of their responsibilities and I think that just before the opening of the navigation season of 1962, I was not President at that time but our President had received a letter from the President of the American Association in which they were giving him a copy of our contract of $32,000 which had been signed by their Association without any consultation on the part of Canadian pilots and I would like to draw attention to the fact that this $32,000, two-thirds of this $32,000 was paid by Canadian pilots and nobody had ever been consulted about this contract which had been granted and then this discussion started and the Americans figured that we were forced to take their pilot boat and in 1961 when the pilot office was in Kingston we had never forced any American pilot to take

French

our own pilot boat or our own means of transportation so there were many meetings in order to get settled that problem and now each and every occasion well it seems that there was no agreement. It was very hard to reach an agreement because the members of that American Association at that time were very difficult to discuss with.

Q. Did you ask the Minister to interfere at that time?

A. No. We asked the Department, the Pilot Authority, we submitted a record and we have asked since the service had been taking place for the last 25 years, since it was a very efficient service for the transportation of pilots, we asked the Department the request would be supported and I believe that the answer is yes.

Q. Were you President?

A. I was not President. I was a member of the Board of Directors.

Q. Your lordship I would like to file an exchange of correspondence between myself and this group of pilots dated the 22nd of May 1962 to the 14th of June, 25th of June and 6th of July in 1962, correspondence between myself and Mr. C.S.Booth, Alan Cumyn and also a copy of a letter from Mr. A.T. Mischer to Mr. Alan Cumyn dated June 25th 1962 on this matter and I would like to file all these documents together in a bundle as Exhibit 851.

French

---EXHIBIT NO. 851 : Bundle of correspondence between counsel for the pilots and Mr. Booth, Mr. Cumyn.

Q. Did the Department succeed in settling the question ?

A. No. I think in July or in August that the letter was sent out to the legal adviser to say that the Government would no longer support the request.

Q. Your lordship I would like to draw your attention particularly to the last paragraph of this letter which is not quite in conformity with the evidence given by the witness in this respect.

/TT/RPS

French

Q. The last letter is this. Mr. Booth particularly said:

English

"We have reviewed the whole problem, "and regretfully have come to the conclusion "that we can find no firm legal basis for "resisting further the position adopted by "Meschter in this matter".

There are a few other paragraphs in between.

"It seems to me that the real "basis for complaint by our pilots lies "in the fact that the U.S. pilots went "ahead with their arrangements and con- "cluded their contract without any consult- "ation with our pilots, and with complete "disregard for the arrangment which had "been in existance during the previous year. "In my view, this action on their part was "all the more objectionable, in that it "appears to have been undertaken by a "minority group within the American pool "at Cape Vincent, which itself is at the "present time substantially smaller than "the Canadian pool in District No. 1. I "have carefully reviewed all aspects of "this arrangement and, while I find it has "a number of objectionable features from the "point of view of our pilots, I have been "unable to find an adequate basis to upset "the contract."

French

"As you are aware, I supported the "position of our pilots very strongly in "our discussion with the Americans, and we "have given them no indication that we have "receded from that position. However, I "have to tell you, with regret, that I do "not believe we can go any further and that, "apart from the possibility of some modific- "ation in the terms of the agreement, i.e., "from a fixed total amount to a per trip "basis of charges, there is little hope of "changing the American position."

French Subsequently to this letter, did you undertake any steps on your side?

A. Yes. We had several interviews with the representatives of the American pilots in order to reach a solution and since we have been informed that the Department could find no solution whatsoever we decided to settle the problem ourselves with the American pilots.

Q. Did you succeed in reaching an agreement with the American pilots eventually?

A. Yes.

Q. When did this happen?

A. At the end of 1962. I think it is December 5th, 1962.

Q. What were the terms of this agreement for the future operation of pilotage?

A. For future pilotage, we asked for

French

the rates to be charged per trip instead of under a fixed contract, and in this agreement since the contract was for $32,000, part of the Canadian pilots was for $20,000.

Q. Before this new agreement, is that so?

A. Yes. Since we had used 240 times the American pilot boat we came to the agreement with American pilots whereby on the $20,000 only $10,750 would be given to us.

Q. How many trips also?

A. The part of the Canadian pilots was $20,000 out of $30,000 altogether. But, since we used 240 times the pilots boat, it was decided we should received less money, that is, only $10,750.

Q. Was that for the 1962 operations?

A. Yes.

Q. What about the future -- what was the agreement reached for the future?

A. The contract signed on the 5th December, 1962 was for a whole year only at the following rate, $10 for pilots and $9 for our Alexandria Point.

Q. Which service of pilotage did you use?

A. In 1962 the majority of the time we used Mr. Dougan's pilot boat.

Q. In 1963 what was the procedure followed?

A. In 1963 all pilots took the American pilot boats.

French

Q. If I understand correctly, an American pilot boat disembarks at Cape Vincent or Wolfe Island?

A. That is it.

Q. Did you have a service from Wolfe Island to Kingston?

A. That was one of our objections when we discussed with the Americans because we mentioned Kingston was the principal base for pilots since there were various means of transportation for pilots going from Cornwall to Kingston. As regards Kingston, there were lots of restaurants and hotels and there were three trains and three buses, et cetera to Cornwall for instance. Whereas in Cape Vincent, as it was explained, one has to travel about 22 miles to go to Watertown and in Watertown the means of transportation was only one plane and one bus per day.

Q. Are there possibilities for accommodation in Cape Vincent?

A. Well, it is a summer resort. It is a tourist resort. In spring and autumn there is not much available in way of accommodation.

Q. From Alexandria Point to Kingston, was there a service?

A. Yes. The pilots from the Corporation of the Upper St. Lawrence decided to carry on establishing a transport system between certain points and Kingston.

Q. Who decided that?

A. The pilots themselves.

Q. What is the cost price of transport

French between Alexandria Point and Kingston?

A. $7. But, I think that is not adequate because $7 cannot cover all expenses incurred by the transient.

Q. The person in charge of the service has a contract?

A. No. Just an agreement. It is not a contract. It is just an agreement of the pilots and the Corporation. Furthermore, the Association or the Corporation responsible for the pilot boat service is also responsible for the service in Kingston.

Q. The American Association?

A. Yes. Because various boats are compelled to stop in the Kingston Harbour. Therefore, this is part of the responsibility, and they have to secure the service of contractors for embarking pilots on the Kingston side.

Q. Did you hear the contractor say he was going to carry on his service between Alexandria Point and Kingston?

A. Officially speaking, changes would take place. He has gone on this year but I don't know how long he will go on for.

Q. Are you satisfied with this service?

A. Extremely satisfied. Very good service.

Q. Are you satisfied with the service given by the American pilot boat?

A. Yes.

THE CHAIRMAN: Does Mr. Dougan also do service

French

for others other than pilots?

THE WITNESS: Yes, for the two pilots of the Canada Steamship Line.

MR. JACQUES: Mr. Dougan will appear before the Commission on Friday morning at 10 a.m.

Q. Were you consulted at any time as to the organization of the general plan for pilotage on the Great Lakes, the International agreement of 1961 between Canada and the United States?

A. At no time. I remember, at that time, I was a member of the Corporation of St. Lawrence Kingston-Ottawa Corporation. The President was informed of the negotiations which had taken place in both countries and during one of our meetings the pilots asked for the Presidents to present the request so that pilots should be able to follow the negotiations between the two countries for setting up a Kingston District. I think that the Department had approved this and I thought it would be a good idea to have one or two good ideas following the negotiations between both countries.

Q. Did you submit a request to the Department? Did you ask to be consulted? Did you say you would like to express your opinion?

A. Yes. Our President had.

Q. Did the Department sell you out -- sell out to you at the time, negotiations as to a draft agreement or possible draft agreement of the setting up of this system?

A. I never heard about it. I have never

French

seen it. The first time I heard about the District was when we met the Minister in Ottawa. That is in February 1961.

Q. You mentioned this morning that the examination took place last summer in Toronto for admission of new pilots on the Ontario Lake. Were you informed that such an examination was to take place?

A. No.

Q. Were you invited, in whatever way, to sit with the jury for the examination?

A. No.

Q. When I asked you whether you were informed, were you informed prior to the examination, of course?

A. No. I only heard about it afterwards. I could add that following the appointment of a pilot who was one of the pilots in the Ontario Lake. The Government advised us, informed us, that since the list of candidates was a rather old one ---

Q. Which list of candidates are you referring to?

A. The list of candidates which had been drawn up by the Kingston-Ottawa Corporation. Up to the latest pilot admitted on the Ontario Lake. But, we were told that this list was rather obsolete.

EE2

Q. It was a list of pilot candidates, the pilots for the District of St. Lawrence Kingston-Ottawa at that time. Were you consulted before the list was abolished?

French

A. No.

Q. Now, there are other questions about the use made of the channel north of Wolfe Island through Kingston, the use of this channel by boats having pilots on board. Did you undertake any steps in this respect yourself?

A. I think the Corporation took a few steps in 1962 and also in 1963. It asked the Canadian pilots to have a right to use the Kingston channel without having to be given penalties.

Q. Which opinion did you receive?

A. We were informed that this was strictly forbidden to take the Kingston-Ottawa unless the boat was heading towards Kingston.

Q. Were there penalties imposed and first of all, did anyone use the channel in spite of the instructions?

A. The beginning of 1962 up to the middle of 1962 a great number of the Canadian pilots used this Kingston channel.

MR. LALONDE: Your lordship, I would like to file photocopies of two letters, one sent by Alan Cumyn and the other one sent by me to Mr. Cumyn of October 16th and November 29th, 1962 respectively.

In the letter dated October 16, 1962, Mr. Cumyn refers to a cable of August 24th in which he authorized the use of the channel and certain terms and conditions. This letter of October 16 says would you like to cancel this authorization with particular

French reference to the use of the north channel by a boat called the RIGOLLETTO to the effect that the master had complained that he had lost some time by using this route. The reply takes up the incident, again the case of the RIGOLLETTO, and it seems to prove that there was no justification for the complaint that had been lodged.

I would like to file this document as Exhibit 852.

---EXHIBIT NO. 852: Photocopy of letters dated October 16th 1962 and November 29th, 1962.

Q. This is one of the specific recommendations which were made in your brief?

A. It is.

MR. LALONDE: I did not know if you would like to proceed, your lordship. It is already three minutes to five.

THE CHAIRMAN: I think we will adjourn immediately because the room is being used by some other people tonight. We will meet tomorrow at ten o'clock at the same place.

---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 O'CLOCK A.M., WEDNESDAY, DECEMBER 11TH, 1963.

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